

ELEMENTARY

CIVICS

DAVIS — STEWART

ILLINOIS EDITION





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AN  
ELEMENTARY CIVICS  
FOR THE  
SCHOOLS OF ILLINOIS

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REVISED EDITION

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## FOREWORD

The study of the National Government is in no wise complete without a proportional study of State and Local Government, since these are after all but a part of the general system of National Government. State and Local Government are as rich in detail as National Government is; and it is this fact that renders it a difficult matter to write a text-book on State and Local Government presenting the essential facts, conditions, and principles without making it too cumbrous. It is the object of this text-book to place the study of State and Local Government in its proper rank by a more extensive discussion than is usually accorded to this department of civics, but at the same time an endeavor has been made to confine these discussions within moderate compass.

With each session of the General Assembly there is a change in many of the small details of State Government. Some of these changes, although small, are important, others have little effect and are of little value to the student of Illinois civics. It has been the author's aim to emphasize those features of Local and State Government which are most permanent and essential.

To the well-trained, energetic teacher no text-book is sufficient in itself. Such teacher will look about for additional material out of which to create a greater interest. Biography plays such an important part in the teaching of either history or government that the conscientious teacher will insist upon much outside work in that line from the student. Government is decidedly a study of men in action. Therefore, the teacher of government realizes the value of the study of biography as a means of enriching the subject and of creating a lively interest in class work.

Too much emphasis can scarcely be laid upon the use of material illustrations. Local officers of the town and township ought to be pointed out. The official work each has to do ought to be mentioned. The police force, the fire department, the mail carrier, the truant officer are all acquaintances of the children in school. Their part in the government of the state and nation may be made topics of great interest. The county court-house, containing the county offices, is not far away; primary elections and local conventions are held in every precinct; district court is held at the county seat; a state institution may be near enough for the teacher and the class to visit; or they may visit the State Capitol at Springfield. These outside matters, so difficult to include in a text, may be so correlated with the daily class exercises as to result in great benefit to the student.





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# A CIVICS FOR ELEMENTARY SCHOOLS.

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## CHAPTER I.

### GOVERNMENT IN THE AMERICAN COLONIES.

**Formation and Growth of Government.**—The chief cause that led the colonists from England to leave their native land and seek homes in a new and unsettled country was dissatisfaction with the home government.

If we trace the formation and growth of the governments established by these people in the new country—growth which finally resulted in the Government of the United States under the Constitution—we shall have a fair understanding of the principles of our present government. We shall also learn that a government is not the product of the brain of one man or of the deliberation of a group of men; on the contrary it is a gradual growth, resulting from a long series of events.

**Early Colonial Governments.**—Let us glance at some of the early governments of the colonies and note briefly their weak points, which subsequently had to be modified, at the same time learning the results of the change.

It will be remembered that the first settlers of Massachusetts limited the privilege of voting to church members, thus making religion a test of citizenship. In Virginia, the early governors were appointed by the Crown, and, with the exception of John Smith, were weak and corrupt. In Georgia, the last of the colonies settled, the whole government at first was in the hands of a few of the wealthier people, the common people having no vote whatever.

In New Jersey, after 1702, the governor and the council were appointed by the king. The assembly only was elected by the people — and these men held office for an indefinite time. The laws passed by the assembly and the council were of no avail if the governor failed to sign them ; and even after he had approved them, the king could refuse to sanction them. This refusal by a governor to sign bills passed by a law-making body is called a *veto* (I forbid). The courts in New Jersey were established by the governor and the council, and the decision of these courts could be sent to England for final decision. A member of the elected assembly was required to have a certain amount of property, and a voter was also required to possess property.

**The Three Functions of Government.**—From this simple outline of the government of New Jersey we observe that there are three parts or functions of government: first, the body of men who make the laws, these being called the legislature ; second, the governor or executive, who executes or enforces the laws ; third, the courts, who interpret or tell the meaning of the law.

These three parts or functions are necessary to complete any good government. If the legislature should pass a law making cruelty to children a crime the governor would execute the law through an officer, who would arrest the person charged with cruelty, and the courts would decide whether the law had been violated, by fully interpreting it as to this particular case.

**The Connecticut Charter.**—Most of the colonies had a form of government more or less like this one of New Jersey at some period of their colonial existence. The Colony of Connecticut, however, had a more liberal set of laws. This was a direct result of the oppressive nature of the Massachusetts laws. People from Massachusetts emigrated to Connecticut in 1635, because they were dissatisfied with the church qualification for voting. They drew up a set of laws which permitted the people to elect the governor and members of the senate and the assembly. The members of the senate were the same as members of the council in other states. The legislature organized the courts, and the governor saw that the laws were enforced. This original set of laws was substantially approved in the form of a charter by the king and was more liberal than the charter of any other colony.

Having left England because of oppressive laws, the colonists were continually on the outlook to maintain the rights they had obtained and for which they had made so many sacrifices. England, however, did not always respect the wishes of the colonists.



**Unjust Acts of Parliament.**—The English Parliament passed many laws affecting the American colonists without consulting or considering the legislative bodies of the colonies. Some of these laws were very oppressive, as the Stamp Act, which was intended to raise money from the colonists, but gave them no voice in spending the money so obtained. The Quartering Act obliged the colonists to support soldiers in a manner subversive of individual rights.

One of the most remarkable sets of laws passed by Parliament is known as the Navigation Acts. These Acts were remarkable in that they took from the colonists, in the important matter of commerce, all three functions of government—the legislative, the executive, and the judicial.

**England Usurps Functions of Government.**—In passing these Acts, Parliament deprived the colonists of some of their legislative rights, by limiting the right to ship American products in English vessels only, and forbidding the colonists to bring goods into America except through England, thus giving English merchants an unnecessary profit on the merchandise.

In enforcing these obnoxious laws, England usurped the executive function of the colonists, by having the American coasts patrolled by her warships and arresting people who imported goods in violation of the navigation laws. She then tried the people thus captured in her own admiralty courts, thus taking away the judicial function from the colonists.

People who were courageous enough to make homes in a

wilderness would not be long imposed upon by laws like these without making a struggle.

**War for Independence Shows Necessity of Union.**

—The struggle which ensued we know as the American Revolution or War for Independence. The experience gained from these English laws, largely aided the future American nation in forming their own government. This will be made manifest as we proceed, if we note the care the people used in avoiding the obnoxious features of the colonial system, at the same time taking into their government what was good in the system of laws in England, despite their differences with the mother country. Much of the judicial function of our country to-day is founded on that part of the English system, known as the Common Law of England. The Common Law in great part is made up of the early customs of the people in their intercourse with one another. When the clash came between the people and the executive power of England in the form of the British Army, it was immediately appreciated by the colonists that some sort of union was necessary; and to govern a union some set of laws must be recognized by those who form it.

**Shall the Union be Strong or Weak?**—An army and a navy had to be organized. These must be fed and cared for. To do this required money. Without united effort on the part of the colonies these results were impossible. During the war the idea of union did not go much beyond what was needed to accomplish these results. While some of the wisest of the statesmen of that period

strove for a strong, united government, the colonies were jealous of one another, and were competitors and opponents in everything except opposition to the common enemy — England.

The remark of the statesman, Patrick Henry, of Virginia, "I am not a Virginian but an American," shows the sentiment of but few of the people at that time.

In 1778, the French minister, Gerard, wrote to France, "The States of the South and of the North, under existing subjects of estrangement and division, are two distinct parties." This expresses the condition of mind of the people at large concerning close union.

**First Continental Congress.**—In 1774, an effort was made by the colonists, in a Congress held at Philadelphia, to obtain from England their rights. This Congress consisted of delegates from all the colonies except Georgia. It met September 5, 1774, resolved that obedience was not due to any of the recent acts of Parliament, and adjourned to May 10, 1775. When it assembled on that date at Philadelphia, hostilities had commenced. "The shot heard round the world" had been fired at Lexington.

This Congress, without any express authority from the colonists, carried on the war, borrowed money, made treaties with foreign governments, and, in fact, assumed all three functions of government — legislative, executive, and judicial — till the adoption of the Articles of Confederation by all the States, in the year 1781, made the League of States.



**Articles of Confederation.** — The members of the Continental Congress, as early as 1776, felt that some form of united government should be adopted by the states; but it was not until 1781 that the states could be induced to consent to placing any of their powers as independent governments in the hands of a central government.

And when this form of government was finally assented to by the adoption of the Articles of Confederation, it was no improvement upon the old method of government by the Continental Congress, which body worked without any written agreement of the states.

The requests of the Congress to the states for men and money were granted or not, as the states saw fit. During the war, the states, inspired by patriotism, put forth their utmost efforts in aiding Congress, as their agent, to expel the common enemy. When the war was practically ended by the surrender at Yorktown, the states, not being held together for mutual protection from invasion, resumed their old jealousies; and it will be readily understood that a strong set of laws was necessary to hold them together.

**Weakness of the Articles of Confederation; Mutiny.** — A glance at the history of this period will show whether or not the Articles of Confederation were satisfactory. The fatal defect of the Articles was that from them was omitted entirely the executive governmental function. On June 2, 1783, a few soldiers of the Continental army drove the whole Congress from Philadelphia to Princeton. There being no executive authority to act, the members of

Congress were obliged to flee for their lives from a small band of mutinous soldiers.

**Rebellion ; Interstate War.**—A rebellion broke out in Massachusetts, in 1786, under Daniel Shays, and Congress had no power to put it down. Pennsylvania drove a number of Connecticut settlers in the Wyoming Valley into the woods to starve ; and at one time war was threatened between these two states. During this period, New York sent troops to the New Hampshire boundary to settle a dispute concerning territory, and Congress, lacking the executive function, was powerless to act.

**No Taxing Power.**—Another omission in the Articles was that of the power to tax, and without this power Congress could raise no money. Its only resource was to ask the states for money, and the states often neglected to give their respective shares.

In the treaty which was signed at the conclusion of the Revolutionary War, the United States agreed to pay certain debts to British subjects ; but having no money, nor power to raise it, they could not meet their obligations. England, using this as an excuse, refused to give up many of the western fortifications, and part of our territory was still occupied by a foreign nation.

**No Power to Regulate Trade.**—The Congress had no power to regulate trade between the states, and this resulted in confusion. New York State placed a tax on firewood from Connecticut, and on farm produce from New Jersey, forcing the farmers to pay duties on the

chickens, pigs, and garden produce they brought to New York City. New Jersey retaliated by taxing a lighthouse \$1,800 a year, which New York State had built on New Jersey soil. This lighthouse was necessary for the safe entrance of vessels into New York harbor.

**No Permanent Judiciary.** — There was no provision in the Articles for a permanent court, thus omitting the judicial function of government.

**No Power to Make Treaties.** — Foreign nations would make no treaties with the United States, as there was no power to enforce the treaties; and, as was aptly said by European nations, they did not know, when they were dealing with our representatives, whether they were dealing with one nation or with thirteen states.

The people could not help but observe the weakness of the government at that time, as it was unable to protect the people at home, and was held in contempt by the nations abroad. These being the conditions, Congress, in 1787, urged the states to hold a representative convention "for the sole and express purpose of revising the Articles of Confederation."

**Constitutional Convention.** — When delegates to this convention assembled in May, 1787, they came to the conclusion that no amendments or alterations which they could make to the Articles of Confederation would give a good government.

These delegates saw, as we have seen, that two of the three functions of government were entirely wanting in the

Articles, and they concluded that it would be preferable to draw up a new set of laws embodying all three functions of government than to try to add so many new features to Articles already tried and found wanting.

The Convention pursued its deliberations behind closed doors, free from the influence of popular clamor, and finished its work September 17, 1787. The result of these careful deliberations is the Constitution of the United States. This was sent to the Continental Congress then sitting in New York City ; the Continental Congress transmitted copies to the several states for their ratification.

**Ratification of the Constitution.**—During the next few months conventions met in most of the States for the purpose of ratifying the Constitution, and by July 26, 1788, all the States, except North Carolina and Rhode Island, had ratified it.

These two States came into the Union later: North Carolina on November 21, 1789, and Rhode Island on May 29, 1790.

The Convention set forth very concisely in the following preamble the reasons for establishing the Constitution :

“We, the People of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.”



**Perfect Union and Justice.**—The wise men who met at Philadelphia, understood the necessity of a “more perfect union” because foreign nations had refused to make treaties with us until we were united; hence these words in the preamble. Under the old Articles the judicial function of government was practically omitted, and the delegates, therefore, learned from this weakness that they must “establish justice” by providing a system of courts.

**Domestic Tranquillity.**—The strife between Pennsylvania and Connecticut, the troubles on the New York State boundary, and Shays’ Rebellion most emphatically warned them to do something “to insure domestic tranquillity.”

**Common Defense.**—The fact that English troops still occupied some of our western forts was a notice to them “to provide for the common defense.”

**General Welfare.**—The power exercised by the several states of putting duties on the products of sister states, and the ensuing quarrels among themselves, did not “promote the general welfare.” This also was to be an aim of the convention in its work.

**Security of Liberty.**—The people appreciated that they had wrested liberty from England, but under the Articles there was very little prospect of their keeping it. The grand purpose of the convention is summed up in the words, “secure the blessings of liberty to ourselves and our posterity.”

The Constitution has been in force for more than one



hundred years. Acting under it as a set of laws for its regulation, the United States Government has taken its place among the nations of the earth, and has carried out during these years all the functions of an independent government.

It has made treaties with foreign countries, it has carried on wars, established lighthouses, protected its coasts, constructed public works and buildings, provided a post-office, fixed a sound money currency, and has performed all the duties of a great and strong government.

If then, we examine the effects of this Consitution on the history of the government, as the lapse of years tells the story, we shall have not only a knowledge of our own government, but a knowledge of the general principles of government; for all good governments are founded on the same general principles.

## QUESTIONS ON CHAPTER I

1. What was the chief cause that led the colonists from England?
2. How may we get a fair understanding of the principles of our present government?
3. The first settlers of Massachusetts limited the privilege of voting to whom?
4. How were early governors of Virginia appointed?
5. What was the first government of the colony of Georgia?
6. What form of government obtained in the colony of New Jersey after 1702?
7. What is a veto?
8. Were the decisions of the Colonial New Jersey Courts final?
9. Was a property qualification required of the colonial New Jersey voter, of a member of the Assembly?
10. What are the three functions of government? Illustrate.
11. Explain the Connecticut charter.
12. What was the Stamp Act?
13. What was the Quartering Act?
14. What were the Navigation Acts?
15. How did England usurp the functions of government in these Acts?
16. How is the common law of England made up in great part?
17. Were the colonies united?
18. When was the first Continental Congress held?
19. What resolution did it adopt?
20. To what date did it adjourn?
21. What had happened between the two meetings?
22. What did this Congress do?
23. When were the Articles of Confederation adopted?
24. Were the Articles of Confederation any improvement upon the government by the Continental Congress? Why?
25. Were the requests of the Continental Congress to the States for men and money always granted?

26. After the surrender at Yorktown, what attitude did the States assume toward one another?

27. What was the fatal defect of the Articles of Confederation?

28. What happened on June 2, 1783?

29. When did Shay's Rebellion occur? Did Congress have power to put it down?

30. What did Pennsylvania do to a number of Connecticut settlers?

31. What did New York do regarding New Hampshire?

32. Did the Articles of Confederation authorize Congress to tax the States?

33. On account of this omission, state the unpleasant position the United States was placed in by the treaty between it and Great Britain at the close of the Revolutionary War?

34. Did the Articles give Congress the power to regulate trade?

35. Did the Articles provide for a permanent judiciary?

36. Did the Articles give Congress the power to make treaties?

37. What did Congress urge in 1787?

38. What conclusion did the delegates to the Constitutional Convention come to regarding the Articles of Confederation? Why?

39. When did the Constitutional Convention finish its work?

40. When was the Constitution ratified?

41. Give the preamble to the Constitution?

42. What do you understand by "more perfect union?"

43. What do you understand by the phrase "to establish justice?"

44. Why were the words "domestic tranquillity" put into the preamble?

45. State the reason for putting the words "common defense" into the preamble.

46. Why were the words "general welfare" put in?

47. The grand purpose of the Convention is summed up in what words?

48. Under the Constitution what has the United States government done?

49. By examining the effect of this Constitution on the history of the government we shall have a knowledge of what?

## CHAPTER II.

### THE HOUSE OF REPRESENTATIVES, OR LOWER HOUSE OF CONGRESS.

Each state in the Union has a constitution similar to the United States Constitution, and counties and towns, in their governments, have the foundation principles that may be discovered here.

The Convention divided the government into three departments or functions — the legislative, the executive and the judicial — and carefully described each department by laying down in detail how the department is to be made up, what its duties are, and the qualifications of the persons in each department.

As laws must be made before they can be either executed or judged, the first Article of the Constitution deals with the legislative function. We will examine this Article to discover how the people avoided the errors of the old government, and also to learn how the Article has worked as a law in actual practice.

#### ARTICLE I

*Section 1.* “All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.”

By “powers herein granted” the Constitution refers to

powers given to the United States by the states. For instance, one of the powers so granted is that of declaring war. This power which we see is vested in Congress was exercised by Congress when in 1812 it declared war with England and in 1898, when war was declared against Spain.

*Section 2.* 1. "The House of Representatives shall be composed of members chosen every second year by the people of the several States, and the elector in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature."

The members of the House of Representatives are the only officials of the United States elected directly by the people, the term of office being two years.

**Qualifications of Voters.**—The qualifications of the electors, or voters, may differ in different states, according to the qualifications of the voters for the most numerous branch of the legislature in the different states. Each of the states has a legislative body similar to Congress, one branch being more numerous than the other.

We may observe how the qualifications of voters differ in different states by noting that in Massachusetts voters are required to read, in Georgia persons otherwise qualified are excluded from voting if their taxes are not paid. In some states citizens only are allowed to vote, while in others a person declaring his intention to become a citizen is allowed to vote. In all states, however, residence for



a certain time is required. Attention is here called to the distinction between a citizen and a voter: The state determines the qualifications of a voter, and we shall learn in a subsequent clause of the Constitution that the United States determines the qualification of citizenship. It is well that this is so, as the United States is bound to protect its citizens at home and abroad, and, therefore, should have the sole right of defining citizenship.

*Section 2. Clause 2.* "No person shall be a Representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen."

As each Representative has one vote, the reason why he should be an inhabitant of the state that sent him to the Congress is evident; as, living in the state, he would represent its people better than a non-resident who would be ignorant of its wants.

*Clause 3.* "Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. The actual enumeration shall be made

within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of Representatives shall not exceed one for every thirty thousand, but each state shall at least have one Representative; and, until such enumeration shall be made, the State of New Hampshire shall be entitled to choose three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three."

**The Census.**—This enumerating, or counting, of the people is called the census. The first census was taken in 1790, and a census has been taken every ten years since. As a result of the first enumeration, the House of Representatives, from 1793 to 1803, consisted of 105 members, allowing one for every thirty-three thousand.

**Number of Representatives in the Lower House.**—Congress has lowered this ratio of representation at each census since the second, until by the census of 1910, the ratio is one Representative to 214,717 persons; for, had these changes not been made, the number of Representatives in the Congress would be too great to do any legislative business. The last census, in 1910, showed our population to be about ninety-three millions. If the ratio of one

Representative for each thirty thousand had been continued the House of Representatives would to-day consist of more than 2,500 men, a number far too great to act harmoniously and promptly on the nation's business.

The words, "three-fifths of all other persons," refer to slaves, and are thus explained: If a state contained twenty-five thousand free persons and fifteen thousand slaves, its census, for the purpose of representation and direct taxes, would be twenty-five thousand free persons plus three-fifths of fifteen thousand slaves—nine thousand: a total of thirty-four thousand.

As slavery has been abolished by the thirteenth Amendment, the part of the clause referring to slaves is not now in effect.

**Taxes — Direct and Indirect.** — Taxes are the sums of money the people give the government to pay the expenses of carrying it on. The judges must be paid, the public property cared for, the army and navy provided for. The public works for the general welfare all require money for their maintenance, and this money comes from the people in the form of taxes.

Taxes are of two kinds, direct and indirect.

By "direct taxes," referred to in this clause, is meant those taxes paid by the people directly to the tax collector of the government, as when a house owner pays to the collector annually a sum of money as taxes on the house he owns. Congress has successfully levied direct taxes in 1798, 1813, 1815, 1816, and 1861.\* The government is supported almost entirely by indirect taxes. There is a

\* See Amendment XVI, page 120.

tax on sugar brought into this country. The tax the importer of sugar pays to the government is added to the price of sugar before he sells it to the people, and thus by paying the increased cost of the sugar, the people indirectly pay the tax. By means of these indirect taxes on imported goods, and also on wine, beer, spirits, and tobacco, the United States raises millions of dollars annually.

*Clause 4.* "When vacancies happen in the representation from any State, the executive authority thereof shall issue writs of election to fill such vacancies."

When a Congressman dies, resigns, or is expelled, the Governor of the state which he represents causes another election to be held to fill the Representative's unexpired term.

*Clause 5.* "The House of Representatives shall choose their Speaker and other officers, and shall have the sole power of impeachment."

**The Speaker and Other Officers of the Lower House.**—The Speaker is the presiding officer of the House. His position is one of great political importance, although the rules of the House no longer give to him the unlimited power, which was once accorded, in the appointment of the standing committees to which are referred all bills that are proposed to be passed.

The other principal officers of the House of Representatives are: Clerk, Sergeant-at-Arms, Door-keeper, Official Reporter of Debate, Postmaster, and Chaplain. The Clerk presides at the meeting of Congress previous to the



election of the Speaker, and, after the organization of the House, performs all the duties of a clerk and secretary. He has a force of assistants.

The Sergeant-at-Arms represents the authority of the House, quells any disorder that may arise during the sessions, and searches for and brings in members that, for any reason, try to avoid attendance at a session. The Door-keeper has charge of the entrance to the House, and admits only those who are entitled to enter. The Reporter of Debates takes down the proceedings for use in the *Congressional Record*. The Postmaster looks after the mail of the members. The Chaplain offers up prayer at the opening of the sessions of the House.

Each state of the United States has a popular Assembly, or lower house, of its legislature, which has practically the same kind of officers.

**Impeachment.**—When a person is impeached for a crime, it is the same as saying he is accused of the crime. The House of Representatives has the sole power of accusing, or impeaching, by majority vote, any of the civil officers of the Government. Later, we shall learn that the Senate has the sole power to try the persons that the House impeaches or accuses.

The same method is followed in dealing with accused officials as is employed against accused citizens. In the first the House indicts, or accuses, the official, and the Senate tries him; in the second the grand jury indicts the citizen, and the petit jury tries him.

The most important case of impeachment is that of



President Johnson in 1868. On being tried by the Senate he was acquitted.

Other important impeachments are: (1) William Blount, United States Senator from Tennessee, for conspiring to transfer New Orleans from Spain to Great Britain, 1797-8; acquitted for want of evidence. (2) John Pickering, United States District Court Judge for the district of New Hampshire, charged with drunkenness, profanity, etc.; convicted, March 12, 1803. (3) Judge Samuel Chase; acquitted, March 1, 1805. (4) Judge James H. Peck, District Judge of United States Court of the Missouri District, for arbitrary conduct; acquitted, 1830. (5) West H. Humphreys, Judge of United States District Court of Tennessee; impeached and convicted for rebellion, 1862. (6) W. H. Belknap, Secretary of War, impeached for receiving bribes from post traders among the Indians, March 2, 1876. He resigned at the same time; acquitted for want of jurisdiction. (7) Charles Swayne, District Judge of the United States for the Northern District of Florida, impeached "of high crimes and misdemeanors in office"; acquitted, Feb. 27, 1904. (8) R. W. Archbald, Judge of the United States Court of Commerce, was found guilty by the Senate on five of the thirteen articles of impeachment lodged against him by the House of Representatives, Jan. 13, 1913.

## QUESTIONS ON CHAPTER II

1. Each state in the Union has what kind of a Constitution?
2. Counties and towns are governed how?
3. Why does the first article of the Constitution deal with the legislative function?
4. Of what does the Congress of the United States consist?
5. In Section 1, Article 1, of the Constitution, what do "powers herein granted" refer to?
6. The members of the House of Representatives are chosen for what length of time?
7. A voter for a Representative must have what qualifications?
8. Are the qualifications for voters the same in all States?
9. State one of the qualifications for Massachusetts voters.
10. State under what conditions a Georgia voter may be prevented from voting?
11. Do all States require their voters to be citizens?
12. Who determines the qualifications of a voter?
13. Who determines the qualifications of citizenship?
14. Why should the United States have the sole right of defining citizenship?
15. Give the qualifications for a Representative?
16. How are Representatives and direct taxes apportioned among the several States?
17. What is the census?
18. What was the ratio of Representation in the first Congress?
19. What is the ratio in the present Congress?
20. Why has this ratio been reduced?
21. What do you understand by "three-fifths of all other persons?"
22. What are taxes?
23. Why are they levied?
24. How many kinds of taxes are there?
25. What is a direct tax?

26. What is an indirect tax?
27. Which of these taxes is most used by the national government?
28. When a Congressman dies, resigns, or is expelled, how is his place filled?
29. How are the Speaker and other officers of the lower House chosen?
30. What are the other principal officers of the House?
31. Does the Lower House in each State have similar officers?
32. What is impeachment?
33. The power of impeachment lies solely with what body?
34. The power of trying lies solely with what body?
35. How do methods employed in dealing with accused officials and accused citizens differ?
36. What is the most important case of impeachment in our annals?

### CHAPTER III.

## THE SENATE, OR UPPER HOUSE OF THE CONGRESS OF THE UNITED STATES

*Section 3. Clause 1.* "The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof for six years; and each Senator shall have one vote."

We have learned that the number of votes that each state has in the House of Representatives depends on the population of the state. New York to-day has forty-three votes, Illinois has twenty-seven, while Delaware has but one.

**Independence of the Senate.**—This apportionment of Representatives has the tendency to give the larger states more power than the smaller, but this is to a great extent overcome by giving each state two votes in the Senate; and the Senators, being elected for six years, are more independent of popular clamor, as their re-election does not depend so much on following the popular outcry. For these reasons, the Senate acts as a check on the House of Representatives. An instance of this is the passing of the "Wilmot Proviso" by the House of Representatives, in 1846. It failed to pass the Senate. The House which passed the bill had just been elected by the people, whereas many of the Senators had been in office for four years, and some of them for nearly six.

As seen from Clause 1, the Senators were formerly chosen by the Legislature of the state, but Amendment XVII to the Constitution provides that they be elected by the people.

Clause 2. "Immediately after they shall be assembled, in consequence of the first election, they shall be divided, as equally as may be, into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year; of the second class, at the expiration of the fourth year; and of the third class, at the expiration of the sixth year; so that one-third may be chosen every second year, and if vacancies happen, by resignation or otherwise, during the recess of the Legislature of any State, the executive thereof may make temporary appointments until the next meeting of the Legislature, which shall then fill such vacancies."

This manner of grouping was adopted so that there should always be some experienced Senators in Congress, which might not be the case if the term of all expired at once.

Amendment XVII also provides that if a vacancy occurs in the Senate, the Governor of the state in which the vacancy occurs shall order a special election to fill the vacancy. The Amendment, however, gives the Legislature of the state power to authorize the Governor to appoint a Senator temporarily until one is elected by the people at the next general election.



*Clause 3.* "No person shall be a Senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen."

The age of qualification of a Senator was increased over that of a Representative, as it was desired to have men of riper judgment in the Senate.

*Clause 4.* "The Vice-President of the United States shall be President of the Senate, but shall have no vote unless they be equally divided."

It would not be fair to give the Vice-President a vote as he is not elected to represent any particular state in the Senate.

*Clause 5.* "The Senate shall choose their other officers, and also a President *pro tempore* in the absence of the Vice-President, or when he shall exercise the office of President of the United States."

The principal "other officers" of the Senate are a Secretary, Chief Clerk, Sergeant-at-Arms, Postmaster, Reporters of Debates, Door-Keeper and Chaplain. The President *pro tempore* does not lose his vote in the Senate.

*Clause 6.* "The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief

Justice shall preside, and no person shall be convicted without the concurrence of two-thirds of the members present."

**Powers and Duties of the Senate in Impeachments.**

— In other impeachments than that of the President, the Vice-President presides. As he would succeed the President in case of a conviction it would be unjust to have him take any part in the President's trial. When President Johnson was tried by the Senate after being impeached by the House, Chief Justice Chase presided. There was one vote less than two-thirds of the members present for conviction, in consequence of which President Johnson was acquitted.

*Clause 7.* "Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit, under the United States; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment, according to law."

If the Senate should find a civil officer guilty of treason, he could not be put into prison or otherwise punished as a result of this. He could, however, be tried by a United States Court, and if found guilty, could be hanged.

**Trial by Court-Martial.** It will be noticed that the power of impeachment refers only to civil officers. Officers in the Army and Navy are tried by a court-martial accord-

ing to laws made by Congress. A court-martial consists of a number of officers of higher rank than the accused. The finding or verdict of the court-martial in regard to officers is finally passed upon by the President of the United States, he being Commander-in-Chief of the Army and Navy. If he approves of the verdict, it stands; if he disapproves, the findings are of no effect.

Probably the two most noted trials by court-martial are, (1) that of General Charles Lee, who was tried for disobedience of orders and disgraceful conduct at the battle of Monmouth, in the War of the Revolution; and (2) that of General W. Hull, who was convicted of cowardice in surrendering Detroit to the enemy in the second war with England.



### QUESTIONS ON CHAPTER III

1. What is the number of Senators from each State?
2. What is the number of Representatives from New York to-day?  
From Delaware?
3. What tendency has this apportionment of Representatives?
4. How is this tendency overcome?
5. What is the term of a Senator?
6. What reasons cause the Senate to act as a check on the House of Representatives? Give an instance.
7. How are Senators chosen?
8. How were Senators formerly chosen?
9. Why was the manner of grouping the Senators expressed in Clause 2, Section 3, adopted?
10. If a vacancy happen in the Senate by resignation or otherwise, how may it be filled?
11. What are the qualifications of a Senator?
12. Who is president of the Senate?
13. Why is the Vice-President of the United States not given a vote in the Senate?
14. What are the officers of the Senate?
15. When the President of the United States is impeached who presides at his trial?
16. Why does not the Vice-President preside at his trial?
17. In all other impeachments who does preside?
18. What vote is required for conviction?
19. What was the vote in the case of President Johnson?
20. How far may judgment extend in cases of impeachment?
21. If the Senate should find a civil officer guilty of treason could it sentence him to be hanged?
22. Does the power of impeachment extend to army and navy officers?
23. How are army and navy officers tried?
24. What is a court-martial?
25. Who passes finally on the findings of court-martials? Why?
26. What are the two most noted trials by court-martial?



## CHAPTER IV.

### ELECTION, POWERS, DUTIES, PRIVILEGES AND DISABILITIES OF SENATORS AND REPRESENTATIVES.

*Section 4. Clause 1.* "The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may at any time, by law, make or alter such regulations except as to the places of choosing Senators."

**Manner of Electing Senators.**— The Constitution of the United States, as adopted by the Federal Convention, provided that United States Senators should be elected by the Legislatures of the states; but Amendment XVII changes this method and requires United States Senators to be elected by the people in the same manner as Representatives are elected.

On the first Tuesday after the first Monday in November, in an even year, the voters go to the common voting places and vote by ballot for the candidate for United States Senator. The person receiving the highest number of votes stands elected. Only one Senator is chosen at each election, unless a vacancy is filled at the same time.

*Clause 2.* "The Congress shall assemble at least once in every year; and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day."

By this clause Congress is obliged to assemble once every year; sometimes it has met more than once a year in regular session. We shall learn in Article II. that the President has power to cause it to assemble in special session when he deems it necessary.

*Section 5. Clause 1.* "Each House shall be the judge of the elections, returns, and qualifications of its own members; and a majority of each shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner and under such penalties as each house may provide."

When a person is elected a member to either House of Congress, the state he represents gives him a certificate of election. The House to which he is elected has sole power to determine whether he has been lawfully elected and whether he is qualified to be a member.

In 1865, immediately after the Civil War, each House refused to admit as members any of the persons elected by the eleven states that had seceded.

A majority is more than half; neither house can do any business unless a quorum of more than half is present.

**Attendance of Members.**—Under the articles of Confederation the Congress had no power to compel members to be present. This clause in the Constitution gives less than a quorum power to compel the attendance of members, and also to punish them for non-attendance, thus insuring that the legislative business of the nation will be attended to. It has happened several times that some members have endeavored to prevent bills being passed, by absenting themselves and leaving no quorum in the House. The Speaker has then used the authority of the House to compel their attendance by sending the Sergeant-at-Arms after them.

*Clause 2.* "Each house may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member."

**Rules and Proceedings of Each House.**—There must be rules to govern the conduct of each individual in a body of men assembled to do business; these rules are made by each House. Some of the rules are in regard to making motions, some as to the length of time a member can speak, some as to the reports and powers of committees. All these rules taken together make up what is known as parliamentary law, the law that governs all deliberative bodies, such as legislatures, corporations, clubs, and other associations. One very important method or rule of procedure, is the one in regard to committees. \* The Speaker of the House appoints a number of committees to

\* This power has since been taken from him. In 1911, the dominant party (Democratic) followed this plan: They elected the Ways and Means Committee in caucus, and this committee named the members of all other committees.

consider the various measures that come before Congress to be acted upon. Each committee looks thoroughly into the matter referred to it, reports the results of the examination, and makes recommendations to Congress. The Committee on Military Affairs considers all matters relating to the Army, the Committee on Foreign Affairs considers all business we may have with foreign nations. The Committee on Rules considers and reports on rules for governing the House. The most important committee is that on Ways and Means. One of its duties is to consider and report on the ways of raising money by means of the tariff.

In the Senate these Committees are elected by ballot by the Senators.

Sometimes in the excitement of debate a member will so far forget himself as to break the rules of the House; he is then called to order by the Speaker, and if he still persists in his conduct he can be punished by the House.

In 1856 Mr. Preston S. Brooks, Representative from South Carolina, struck Senator Charles Sumner with a cane, while the latter was in the Senate Chamber. A committee of the House of Representatives reported in favor of expelling Mr. Brooks, but when the House voted on the question of expulsion, the vote for conviction was less than the required two-thirds.

*Clause 3.* "Each House shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may, in their judgment, require secrecy; and the yeas and nays of the



members of either House on any question shall, at the desire of one-fifth of those present, be entered on the journal. ”

**The Congressional Record.** — The proceedings of Congress which are kept in accordance with this clause are published daily in a pamphlet called the *Congressional Record*. Each member of Congress and some other officers are entitled by law to a certain number of copies, which they send to people in different parts of the country. Copies of the *Congressional Record* can also be obtained by citizens by paying for them. The people are thus kept informed of the proceedings of Congress.

The Senate when it is considering a treaty with a foreign country keeps its proceedings secret, by going into executive session. The Webster-Ashburton Treaty, concerning the northeastern boundary line, was considered in executive or secret session.

The yeas and nays of the members are recorded in important questions, so that the people may know how their representatives voted on these questions.

*Clause 4.* “Neither House, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.”

As a previous clause provides that less than a majority of either House may adjourn, it might happen that less than



a majority of one House might adjourn for an indefinite period and stop the work of the Congress. Clause 4 is intended to prevent this by requiring the consent of both Houses to a long adjournment.

*Section 6. Clause 1.* "The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the Treasury of the United States. They shall in all cases except treason, felony and breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to and returning from the same; and for any speech or debate in either House, they shall not be questioned in any other place."

The first Congress passed an act fixing the pay of Representatives and Senators at six dollars per day each. This salary has been changed several times; it is now (1913) seventy-five hundred dollars a year. The fact that the United States pays the members, makes them independent of the states.

The privilege from arrest in this clause is given the members so they cannot be prevented from attending to their duties by arrest on trifling charges that might be brought against them by political opponents. A felony\* is a gross crime—murder, highway robbery and forgery are instances of felony. Fighting in the street would be a breach of the peace. Treason is defined in Article III., Section 3, of the Constitution.

\*A Federal statute was enacted in 1909 which provides that any offence punishable by imprisonment for a term exceeding one year constitutes a felony. This makes smuggling or attempted smuggling a felony.

In debating measures and men in Congress, it often happens that characters of men are discussed. No man who may think his character has been injured by a member in debate, can sue the member in any court. This is to insure perfect freedom of speech in Congress.

*Clause 2.* "No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased, during such time; and no person holding any office under the United States shall be a member of either House during his continuance in office."

As the Senate and House of Representatives make many laws creating civil officers and often regulate the pay of the civil officers, it would be unwise to allow a Senator or Representative to take part in creating an office or fixing the pay of an office, which he himself might hold. There is a prejudice against a citizen holding two public offices at the same time, and this clause forbids it. This is especially proper in the case of members of Congress. If, for example, a judge were a member, it might happen that he be called upon to vote on his own impeachment.

## QUESTIONS ON CHAPTER IV

1. In what year did Congress pass a law to regulate the time and manner of choosing Senators?
2. What is this time and manner?
3. In what year did Congress enact that all Representatives should be voted for by written or printed ballots?
4. Why is Congress prohibited from changing "the places of choosing Senators?"
5. How often shall Congress assemble? On what day?
6. Who determines whether a man elected to Congress has been lawfully elected and whether he is qualified to be a member?
7. What did each House do immediately after the Civil War?
8. What is a majority in any Legislative body?
9. What is a quorum in each House?
10. Under the Articles of Confederation did the Congress have power to compel members to be present?
11. Has the present Congress power?
12. What officer of the House is sent after absent members?
13. The law that governs all deliberative bodies is known as what?
14. Mention some of the committees of the Lower House. What are their duties?
15. How are these committees formed?
16. How are committees in the Senate formed?
17. What happens to a Representative who breaks the rules of the House?
18. What occurred in the Brooks-Sumner matter in 1856?
19. What is the *Congressional Record*?
20. How does the Senate consider a treaty with a foreign power so that it may keep its proceedings secret?
21. Why are the yeas and nays of the members recorded in important questions?
22. What is the object of Clause 4 of Section 5?

23. What is the salary of a Senator? of a Representative?
24. Why are members exempt from arrest during their attendance?
25. How is perfect freedom of speech insured in Congress?
26. May a Senator or Congressman be appointed during his term of office to any civil office under the authority of the United States?
27. Can a person holding office under the United States be a member of either House during his continuance in office?

## CHAPTER V.

### MODE OF PASSING LAWS.

*Section 7. Clause 1.* “All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments, as on other bills.”

**Revenue Laws Originate in the Lower House.—**The people have always been very jealous of the power to impose taxes, and the Constitution places the power in the hands of the Representatives because they are elected for only two years; and if the power should be abused the people could correct the matter by not reëlecting such as they considered failed in their duty. However, after a revenue or tax bill has once passed the House, the Senate may change it. The change must be agreed to by the House, before it can become a law.

All tariff bills originate in the House, as they are revenue bills taxing imports. The McKinley Bill, the Wilson Bill and the Dingley Bill are among the prominent tariff bills, each bill taking its name from the Chairman of the Ways and Means Committee that had the bill in charge.

*Clause 2.* “Every bill which shall have passed the House of Representatives and the Senate, shall, before it become a law, be presented to the President



of the United States: if he approve, he shall sign it; but if not, he shall return it, with his objections, to that House in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered; and if approved by two-thirds of that House, it shall become a law. But, in all such cases, the votes of both Houses shall be determined by yeas and nays; and the names of the persons voting for and against the bill shall be entered on the journal of each House respectively. If any bill shall not be returned by the President within ten days (Sunday excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress, by their adjournment, prevent its return, in which case it shall not be a law."

From this clause we learn that there are three ways by which a law can be made :

**A Bill May Become a Law by Being Passed by a Majority of Each House and Receiving the President's Signature.**—First, a bill may be voted for by a majority of each House and signed by the President. The Missouri Compromise was made a law in this manner, being

passed by a majority of each House and signed by President Monroe.

**A Bill May be Passed by a Two-thirds Vote of Each House Over the President's Veto.**—A second way in which a bill may be enacted is by being passed by a majority of each House, and on the President's refusal to sign it, by being repassed by a two-thirds vote of each House. The Civil Rights Bill became a law in this manner, being passed by two-thirds of each House after President Johnson had vetoed it, or in other words, refused to sign it.

**How Some Bills Become Laws Even Without the President's Action.**—A third way is by the bill being passed by a majority of each House and the President keeping it for ten days (Sunday excepted) without signing it. The Wilson Tariff Bill became a law in this way, as President Cleveland did not return it to Congress within ten days. If, however, Congress had adjourned so as to prevent the return of the Wilson Bill before the ten days had expired, it would not have become a law.

When Congress adjourns before the expiration of the ten days, preventing the return of the bill and it remains in the President's hands unsigned, it does not become a law. This is termed a "pocket veto."

A bill for the improvement of river and harbors was held by President Jackson. Congress adjourned in less than ten days, preventing its return within ten days after he received it, and the bill failed to become a law through the "pocket veto."

Many bills have failed to become laws by being vetoed by the President. A prominent one is that relating to the United States Bank. The bill giving this bank a new charter or power to exist and do business was vetoed by President Jackson during his first term.

*Clause 3.* "Every order, resolution, or vote, to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment), shall be presented to the President of the United States, and before the same shall take effect, shall be approved by him, or, being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill."

This clause has exactly the same meaning as Clause 2 and was adopted so that if Congress should change the word *bill* in Clause 2 to one of the words *order*, *resolution*, or *vote*, they could not avoid sending the bill to the President for his approval. This method of passing bills is similar to the method adopted in most state governments. The governor of the state approves or vetoes the bills passed by its Legislature.

We must here note that the President, when he acts under these clauses, takes an important part in the legislative function. We shall learn from Article II. of the Constitution that the President's function is chiefly executive.

## QUESTIONS ON CHAPTER V

1. Where do revenue laws originate?
2. May the Senate change a revenue bill?
3. Why must tariff bills originate in the House?
4. Mention three tariff bills and tell why they are named as they are?
5. In how many ways may a bill become a law?
6. Mention the first way; mention the second way; mention the third way.
7. What is a "pocket veto"?
8. Mention one of President Jackson's "pocket vetoes."
9. What president vetoed the bill giving the United States Bank a new charter?
10. What does the Constitution provide regarding "every order, resolution, or vote, to which the concurrence of the Senate and House of Representatives may be necessary?"
11. Why were the words *order*, *resolution*, or *vote* here used?
12. What method of passing bills has been adopted by most State governments?





## CHAPTER VI.

### POWERS OF CONGRESS.

The Constitution thus far has treated of the election and formation of Congress. It has told us how the members are brought together for the business of making laws, and how those laws must be made.

In the following section the Constitution tells the Congress what it may do, and what laws it has power to make. And Congress cannot go beyond these powers and make other laws than are permitted by the Constitution. If it should do so, those laws could be declared unconstitutional and worthless by the Supreme Court, which is part of the judicial department of the United States.

In 1857, the presiding justice of the Supreme Court, in rendering the decision on the Dred Scott case, declared that the Missouri Compromise, passed by Congress in 1820, was unconstitutional and void, and in 1895 the Supreme Court declared unconstitutional that part of the Wilson Tariff Bill of 1894 which referred to an income tax, and the taxes collected under that provision were returned, Congress having gone beyond its power in making that part of the law.

*Section 8. Clause 1.* "The Congress shall have power to lay and collect taxes, duties, imposts and

excises, to pay the debts, and provide for the common defence and general welfare, of the United States; but all duties, imposts and excises shall be uniform throughout the United States;”

The four words—taxes, duties, imposts, and excises—mean about the same, and refer to money collected from the people for the purpose of carrying on the government. The old Continental Congress had no power to collect taxes.

**Use Made of the Taxes.**—Let us see what Congress can do with these taxes:—(1) “Pay the debts.” During the revolution the United States had borrowed large sums of money, which the states as individual governments neglected to pay. Congress, by this clause having the power to raise the money, paid these debts, and has kept faith with its creditors ever since. The principal foreign debt was the French loan.

(2) “Provide for the common defence” means the maintaining of forts, armies and navies.

(3) “Provide for the general welfare” can be made to cover all acts that tend to benefit the whole country. The power to purchase Louisiana is found in this clause, as this purchase benefited the whole country by opening the Mississippi River, and relieving us forever from boundary disputes with France.

The weather bureau is established for the general welfare; agricultural stations, whence are sent information and sample seeds to farmers, are also for the general welfare.

These taxes shall be uniform, that is to say, a man in

California shall be taxed in the same ratio as the man in New York.

*Clause 2.* "To borrow money on the credit of the United States;"

At the outbreak of the war with Spain the United States borrowed fifty million dollars from the people, and issued to the purchasers interest-bearing bonds, they having confidence that the United States would redeem the bonds with the money obtained by taxes.

*Clause 3.* "To regulate commerce with foreign nations, and among the several States, and with the Indian tribes;"

**Power over Commerce and Trade.**—The United States regulates commerce with foreign nations by making treaties with them. It would be very unwise to allow each state to make treaties of commerce and trade with foreign nations. Treaties might thus be made giving one state an advantage over another.

In the year 1795, "Jay's Treaty" with England was signed by the President and concurred in by the Senate by a vote of twenty to ten, exactly two-thirds. This treaty contained many clauses regulating our trade with England.

Congress has passed a law creating the Interstate Commerce Commission, which has supervision over railways and other means of transportation between the states. Their principal duty is to see that the passenger and freight rates are equitable between the states.

This clause makes the Indian tribes to a certain extent the wards of the nation.

*Clause 4.* "To establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies, throughout the United States;"

**Naturalization.** By rule of naturalization is meant a law stating who are and who may become citizens. Why the United States should have this sole power has already been explained. Every person born in the United States is a citizen. The children of citizens of the United States born while their parents are temporarily living abroad are citizens.

Foreigners can become citizens after a residence of five years, (see Naturalization, page 274); two applications are necessary, one two years before the final application. The applicant must swear to support the Constitution of the United States and must renounce all allegiance to any foreign State.

A soldier or a sailor in the Navy of the age of twenty-one, regularly discharged from the Army or the Navy of the United States, may be admitted to citizenship with a single year's residence.

All children whose parents are naturalized become citizens at the age of twenty-one if they reside in the United States.

**Bankrupts and Bankruptcy.**—A person who cannot pay his debts is a bankrupt. During the panic of 1837 many people suddenly lost fortunes and their creditors



could prevent them from again succeeding financially, by seizing any property they might acquire in the future, to satisfy the creditors' old claims.

Congress has at different times passed bankrupt laws, which free a man from his debts, provided he gives what property he may possess into the hands of his creditors for their benefit. He cannot take advantage of the law, if it is proved he has acted fraudulently.

Congress has repealed all the United States bankrupt laws except the last one, and there have been long periods of time when there were not any United States bankrupt laws in effect. During these periods, the State bankrupt laws have been valid and have caused more or less annoyance and confusion to both creditors and debtors, owing to the laws not being uniform.

*Clause 5.* "To coin money, regulate the value thereof and of foreign coin, and fix the standard of weights and measures ;"

**Laws Relating to Money and Weights.**—Congress has passed many laws relating to coining money, and it has equipped establishments called mints, in which money is coined. At present there is a mint in each of the following cities : San Francisco, Carson City, Denver, Philadelphia and New Orleans. The gold and silver coin of the United States, by law of Congress, is ninety per cent pure, the the other ten per cent is copper.

In the early period of the history of the United States coin of all countries was in circulation, and it was neces-



sary that some power should regulate its value in business. This power was given to Congress. At the present time, the bankers and merchants regulate the rate of exchange with foreign countries through the law of supply and demand.

In 1836, Congress directed the Secretary of the Treasury to deliver a complete set of weights and measures adopted as standards, to the governor of each state, in order that there might be a uniform standard throughout the United States. In 1866, the metric system was legalized by Congress, and in 1876, money was appropriated to procure metric standards for all the states.

*Clause 6.* "To provide for the punishment of counterfeiting the securities and current coin of the United States ;"

During the Revolution some evil persons counterfeited the Continental money and under the Articles of Confederation there was no power to punish the counterfeiters. The United States Congress has established a force of men, known as the secret service, whose most important duty is to detect counterfeiters. These men have arrested, and the United States courts have, through the laws of Congress, convicted many men of this crime against the country. It will be noticed that the power of punishment also extends to counterfeiting the securities. These securities are bonds and notes on which the Government borrows money.

*Clause 7.* "To establish post-offices and post-roads ;"

**The Post-Offices and Mails.**—By the power given in this little sentence, Congress has established the vast system of post-offices and mail deliveries throughout the United States. All matters connected with the mails are in charge of the United States.

In 1806, Congress, under the power conferred in this clause, passed an act for the building of a road from the Potomac to the Ohio River. At different times Congress has aided railroads and other transportation companies in building their roads, these companies in return carrying the United States mail. When a transportation company assumes the duty of carrying the mail it is under the protection of the United States, and it sometimes happens that United States troops are sent into a state to protect these transportation companies against the attacks of mobs and strikers. Ordinarily, United States troops are not used in the states unless at the request of the governor of the state.

*Clause 8.* “To promote the progress of science and useful arts, by securing for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries;”

**Copyrights and Patents.**—The copyright law now in force gives an author the exclusive right to control the sale of his books or publications for twenty-eight years, with the privilege of having this right renewed for the period of twenty-eight years. All books must have the date of the copyright printed in them. This copyright is obtained by

applying to the Librarian of Congress. The patent law passed by Congress under this clause gives an inventor the exclusive right to make and sell his invention for seventeen years. The inventor makes an application to the Patent Office in Washington and when the patent is granted all the articles made and sold are marked patented, with the date of the granting of the patent.

**Important Inventions.**— Among the important inventions which have been patented are the cotton gin, patented by Eli Whitney in 1793, the electric telegraph, by S. F. B. Morse in 1837 ; and the sewing machine, by Elias Howe in 1846. A series of patents was granted on the discoveries in the manufacture of india rubber made by Charles Good-year from 1837 to 1850. The telephone, invented by William Graham Bell, was patented in 1876. Thomas A. Edison has patented many electrical devices since 1870.

*Clause 9.*— “To constitute tribunals inferior to the Supreme Court;”

Under this power Congress has established courts, which will be considered when we discuss the judicial department of the Government, and the Supreme Court.

*Clause 10.*— “To define and punish piracies and felonies committed on the high seas, and offences against the law of nations;”

**International Law.**— The law of nations consists of the customs that have gradually grown out of the commercial and other transactions among nations, together with the

treaties nations make with each other. One of these customs or laws is to consider a pirate an outlaw to be punished, on conviction, with death. In 1819 there were many pirates cruising in the West Indies, and the United States sent Commodore Perry there to capture them. He died of yellow fever at Trinidad; more vessels, however, were sent and eventually cleared this region of pirates.

Nations regard ships sailing under a national flag as part of the territory of the country the flag represents. The United States therefore is given the power, under the Constitution, to punish felonies committed on the high seas under the flag. The oceans or high seas are considered the joint property of nations.

Another law of nations is that a nation's representatives, as ambassadors and consuls, shall not be disturbed during their official residence in another country. If, therefore, a citizen of the United States should disturb one of these officers of a foreign country during the officer's residence here, the citizens could be punished under the power granted by this clause.

*Clause 11.* "To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water."

**Power of Declaring War Vested in Congress.**—The power of declaring war is one of the most important powers of a nation. The whole Congress exercises this power for the United States. We have already referred to this power



being used by Congress in declaring war against England in 1812.

**Privateers.**—Letters of marque and reprisal are commissions given, in time of war, to owners of vessels empowering them to capture and destroy the enemy's vessels on the seas and in his ports. A vessel so commissioned is called a privateer. During the war of 1812 sixteen hundred British vessels were captured or destroyed by American privateers.

Many nations have by treaty agreed not to use privateers in any future war. The United States, however, has not entered into any such agreement.

As the property captured in time of war is taken under power of Congress, it is right that Congress should make rules as to its disposal. In the case of captured vessels they have heretofore been sold and part of the proceeds distributed to the officers and sailors of the capturing vessels as prize money.

*Clause 12.* "To raise and support armies; but no appropriation of money to that use shall be for a longer term than two years;"

**Money for the Army.**—Under the Articles of Confederation the United States could declare war, but had no power to raise armies. The Government depended on the men the different states might send. This clause gives Congress the power to call men into the army. In 1863 a law was passed declaring that all male citizens between the ages of twenty and forty-five, and those men who had



declared their intention to become citizens, with some exceptions, constitute the national forces; and by virtue of this law, men were picked out by lot, or drafted, as it was called, to serve in the army during the Civil War.

As appropriations for money originate in the House of Representatives, and as the appropriations for the army can be made for only two years, the power over the army rests in the people, as they can send representatives to Congress at the expiration of any appropriation, pledged to oppose an appropriation of money for the support of the army.

Congress maintains a small standing army, commonly known as the regular army, for the purpose of caring for the forts and defenses on the coast and frontiers. The army also forms a nucleus about which can be gathered the volunteers and drafted men in time of war. As the regulars are in constant training, many of them are capable of drilling and commanding recruits when necessity calls for them.

*Clause 13.* "To provide and maintain a navy;"

**The Navy.**—Congress by this clause is not only empowered to build and equip ships, but can enact legislation tending to maintain them. It appropriates money each year for the improvement of rivers and harbors under this clause, also for the establishment of lighthouses, lightships, beacons and buoys, as all these are necessary for the maintenance of a navy.

*Clause 14.* "To make rules for the government and regulation of the land and naval forces;"

**Military Laws and Regulations.**—Congress has passed laws at different times for the government of the land and naval forces. These laws were all brought together—codified as it is called—into one section (in 1874), known as the Articles of War of the United States. These Articles contain the oath that is to be taken by a soldier on enlisting, and also give rules for the conduct and instruction of officers for creating and conducting a court-martial. Among these rules we will mention the following :

“Any sentinel who is found sleeping upon his post, or who leaves it before he is regularly relieved shall suffer death, or such punishment as a court-martial may direct.”

“Any officer who is convicted of conduct unbecoming in an officer and a gentleman shall be dismissed from the service.”

“General courts-martial may consist of any number of officers from five to thirteen inclusive ; but they shall not consist of less than thirteen when that number can be convened without manifest injury to the service.”

A majority in a court-martial convicts ; in the case of a tie the accused person is acquitted.

*Clause 15.* “To provide for calling forth the militia to execute the laws of the Union, suppress insurrections and repel invasions ;”

**The Militia or Citizen Soldiers.**—The militia consists of the citizen soldiers of the different states. Regiments and companies of men are organized in the different states by volunteer citizens. They are uniformed and equipped by

the state. Armories are also built and furnished by the state. The men receive no pay except when in active service. They drill generally in the evening and lose no time from their ordinary work, unless when called by the state in time of riot or other troubles. Under clause 15 all these men can be called into the service of the United States, and they then receive the same pay and are governed by the same laws as the United States Regular Army.

The militia was called out in 1794 to suppress the insurrection in Pennsylvania known as the Whiskey Rebellion, and also in 1812, during the war with England, to "repel invasions."

*Clause 16.* "To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress;"

This clause has been fully explained in considering the previous clause.

*Clause 17.* "To exercise exclusive legislation in all cases whatsoever over such district (not exceeding ten miles square) as may, by cession of particular States and the acceptance of Congress, become the seat of the Government of the United States and to exercise like authority over all places purchased,

by the consent of the Legislature of the States in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings.

The words "such district" refer to the District of Columbia, where is situated Washington, the Capital of the United States. This territory was ceded to the United States by Virginia and Maryland. Congress has full power to govern this district.

It is necessary that forts, arsenals, magazines and dock-yards be built in different parts of the country. Land for these purposes is obtained from the states by the United States, and when it is acquired, Congress makes all the rules for its government.

*Clause 18.* "To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof."

Under this clause Congress has made many laws that are necessary to carry out the powers granted to it. A very important law of this nature was one passed during the Civil War, authorizing the making of paper money. Congress was then exercising its power of making war, money was needed to carry this power into execution, and Congress passed a law for making paper money to use in carrying on the war.

Another case of this kind was the passing of the Embargo Act in 1807. Congress has power to regulate commerce with foreign nations. England and France were at that time at war, and infringing on the rights of neutrals, and Congress passed this law as an attempt to compel two nations at war to respect the rights of neutrals. The attempt was a failure.



## QUESTIONS ON CHAPTER VI

1. Section 8 of the Constitution tells what?
2. Can Congress go beyond its Constitutional powers?
3. What would happen if it did? Mention instances.
4. In whom does the power to lay and collect taxes rest?
5. Define *duties, imposts, excises*.
6. Had the old Continental Congress power to collect taxes?
7. What does Congress do with the money collected for taxes?
8. Who paid the debts contracted by individual States during the Revolution?
9. What does "provide for the common defense" mean?
10. What does "provide for the general welfare" mean?
11. By what authority are the Weather Bureau and Agricultural Stations established?
12. Are the taxes uniform?
13. Can Congress borrow money? Give an instance.
14. How does the United States regulate commerce with foreign nations?
15. What treaty was made in 1795?
16. Under what authority was the Interstate Commerce Commission created?
17. What are its duties?
18. How is commerce with the Indian tribes regulated?
19. Who are citizens of the United States?
- NOTE — The Naturalization Law will be found on page 162.
20. When do children whose parents are naturalized become citizens?
21. What is a bankrupt?
22. What is the Bankrupt Law?
23. What bankrupts cannot take advantage of the law?
24. What is a mint?
25. Where are the United States mints?
26. What is the law relative to the purity of the gold and silver coin of the United States?
27. What did Congress do in 1836 relative to weights and measures?
28. When was the metric system legalized?
29. What was done in 1876 relative to the metric system?
30. What is the "secret service" of the United States?
31. What are government securities?

32. Who established the post-office system? By what authority?
33. By what authority has Congress aided railroad and other transportation companies in building their roads?
34. What is the copyright law?
35. For what period is a copyright good?
36. What is the patent law?
37. For how long is a patent granted?
38. Mention some important inventions which have been patented.
39. What is the "law of nations"?
40. How are ships that sail under a national flag regarded?
41. The oceans or high seas are considered what?
42. May foreign ambassadors and consuls be disturbed during their official residence in this country? Why?
43. Who has the power of declaring war?
44. What are privateers?
45. In future wars may we use privateers?
46. Under the Articles of Confederation could the United States raise armies?
47. Can Congress raise an army?
48. Give an instance in which it has done so.
49. For what length of time can the appropriations for the army be made? Why?
50. For what purpose is the regular army?
51. Who provides for the navy?
52. By what authority are rivers and harbors improved, and light-houses, lightships, beacons, and buoys established?
53. What are the "articles of war?"
54. Of how many officers does a general court-martial consist?
55. What is the vote for conviction in a court-martial?
56. What is the result in case of a tie?
57. What are the militia?
58. Can the militia be called into the service of the United States?
59. Who governs the District of Columbia?
60. When land for forts, arsenals, magazines, and dock-yards is ceded by a State to the United States, how is it governed?
61. Under what authority was paper money issued during the Civil War?
62. Under what authority was the Embargo Act passed in 1807?

## CHAPTER VII.

### POWERS DENIED CONGRESS.

Section 8, with its eighteen clauses, which we have just discussed, tells us what Congress can do. It contains a list of powers that originally belonged to each and every state in the Union, and which each of these states has surrendered to the central Government of the United States, for the benefit and welfare of all the states taken together.

**What Congress Cannot Do.**—Section 9, with its eight clauses, tells us what Congress cannot do. It gives a list of the rights that each state has not surrendered. If Congress should pass a law to do anything forbidden in this section, the matter would be taken to the Supreme Court, and there tried and declared unconstitutional.

*Section 9. Clause 1.* “The migration or importation of such persons as any of the States now existing shall think proper to admit shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight; but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.”

The word persons in this clause refers to slaves. The whole clause, in fact, refers to trade in slaves with foreign countries. Congress passed an act in 1807 to take effect

January, 1808, prohibiting the importation of slaves, and in 1820 slave trade with foreign countries was declared to be piracy punishable with death.

This clause no longer has any weight in the Constitution, as all slavery is now unlawful in the United States.

*Clause 2.* "The privilege of the writ of *habeas corpus* shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require it."

**Habeas Corpus.**—The right of *habeas corpus* is founded on the old English Common Law and was in 1679 included in the Acts of Parliament. It is a right which every citizen who may be imprisoned accused of crime has, of going before a court in order that his case may be inquired into by the court. If there is no just cause for his imprisonment, he must be released.

Tyrannical governments have sometimes arrested and imprisoned men without cause; and when this right of *habeas corpus* did not exist, the prisoner could not compel a judge to grant him a hearing and very likely would remain in prison till he died.

In time of war the territory covered by armies in action is considered under military or martial law and then this right is suspended.

December 16, 1814, during the war with England, Jackson declared New Orleans under martial law and the privilege of the writ of *habeas corpus* was suspended. Lincoln also suspended the writ at times during the Civil War.



*Clause 3.* "No bill of attainder, or *ex-post-facto* law, shall be passed."

**Bill of Attainder and Ex-post-facto Law.**—A bill of attainder is a law inflicting death or other punishment without a judicial trial. The case of a man accused of treason or any other crime must be passed upon by a court, and Congress can make no law inflicting punishment on him without a trial by a court.

An *ex-post-facto* law is one that makes an act a crime which was not a crime when the act was committed, or that makes the punishment of a crime greater than it was when the crime was committed.

If on and before January 1, 1913, it was not unlawful for a citizen to enter a United States fort, and Congress should pass a law in 1913 making it a crime to have entered the fort in 1912, this would be an *ex-post-facto* law.

*Clause 4.* "No capitation or other direct tax shall be laid, unless in proportion to the *census* or enumeration hereinbefore directed to be taken."

**Poll Tax.**—A capitation tax is a tax not on property, but on the man; it is sometimes called a poll (head) tax, and if this tax is laid it must be in proportion to the census we have before described. The United States has never laid a capitation tax; the state of Massachusetts assesses a poll tax of two dollars on every male inhabitant above the age of twenty years.

*Clause 5.* "No tax or duty shall be laid on articles exported from any State."



England restricted the colonists in shipping their products out of the country, and as an export tax would be a restriction on the states in their trade with foreign countries, without any corresponding benefit to the states, the right to impose an export tax was denied Congress.

*Clause 6.* "No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another; nor shall vessels bound to or from one State be obliged to enter, clear, or pay duties, in another."

We see by the above clause that all states stand on the same basis as to foreign trade, and that there is free trade between the states.

We have seen how under the Articles of Confederation New York State laid a duty on the produce of the New Jersey farmers; this clause forbids any such duties, and guarantees free trade between the states.

*Clause 7.* "No money shall be drawn from the treasury, but in consequence of appropriations made by law: and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time."

**Appropriations of Money.**—The president could not draw his salary unless Congress made an appropriation for it. Each year Congress passes bills making the appropriations for carrying on the Government, specifying in detail the amounts for all the departments of the Government.

Each year the Treasury Department publishes a report of the money received and expended, tells whence it was received and for what it was spent. Volumes of these reports can be found in the Congressional Library.

*Clause 8.* "No title of nobility shall be granted by the United States; and no person holding any office of profit or trust under them shall without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign state."

**Titles of Nobility.**—Absence of a nobility or titled aristocracy is one of the foundation stones of a republic. Therefore the granting of such titles is prohibited, and Congress has passed a law which makes a foreigner holding such a title renounce it before he can become a citizen of the United States. This clause also is a guard against bribery of the officers of the United States by foreign powers.

## QUESTIONS ON CHAPTER VII

1. Section 8 tells what?
2. How many clauses has it?
3. To whom did the powers it mentions originally belong?
4. Section 9 tells what?
5. To whom do the powers denied to the United States in this Section belong?
6. If Congress should pass a law forbidden by this section, what would happen?
7. When was the importation of slaves prohibited?
8. What law was passed relative to slavery in 1820?
9. Has Clause 1, Section 9, any weight now?
10. *Habeas corpus* is founded on what?
11. What is the writ of *habeas corpus*? (See Magna Charta in glossary.)
12. When is this right suspended?
13. What two presidents have suspended the writ?
14. What is a bill of attainder? (Consult the glossary also.)
15. What is an *ex-post-facto* law? Illustrate.
16. What is a capitation tax? How must it be laid?
17. Has the United States ever laid a capitation tax?
18. What State has?
19. Can an export tax be laid?
20. Why?
21. Is free trade guaranteed between the States?
22. How are the necessary appropriations of money made for carrying on the government?
23. Can the United States grant a title of nobility?
24. What does the Constitution provide as to the acceptance by United States officials of presents or titles from foreign States?



## CHAPTER VIII.

### POWERS DENIED THE STATES.

Sections 8 and 9 have told us what the United States Government is allowed to do, and what it is not allowed to do by the states; and as the Constitution is an agreement between the central Government of the United States and the individual states, there must of course be some acts that the individual states cannot perform. Section 10 informs us of the powers denied the states. Should any state pass a law, or do any act denied it in this section, such law or act could be declared of no effect by the United States Supreme Court. The states are prohibited from emitting bills of credit, yet the State of Missouri after it was admitted passed an act permitting the issue of bills of credit, and the matter being brought to the United States Supreme Court, the act was declared unconstitutional and of no effect.

*Section 10. Clause 1.* "No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, *ex-post-facto* law, or law impairing the obligation of contracts; or grant any title of nobility."

This clause leaves no doubt that the treaty making power belongs to the United States, that the United States only



can commission privateers, and that the control of the issuing of money is also in the central Government.

**The Dartmouth College Case.**—The State of New Hampshire passed a law taking the powers of the trustees of Dartmouth College from them, and placing it in the control of the State Government. The trustees appealed to the Supreme Court of United States, Daniel Webster acting as attorney for the trustees. The Court declared the act of the state unconstitutional and void, as it impaired the obligation of a contract.

*Clause 2.* “No State shall, without the consent of the Congress, lay any imposts or duties on imports, or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts laid by any State on imports or exports shall be for the use of the treasury of the United States, and all such laws shall be subject to the revision and control of the Congress.”

**The United States Controls Imports.**—Under the Articles of Confederation each state laid duties on imports, some high, some low, and confusion resulted. This clause leaves the power to lay duties on imports with the United States, except for inspection purposes. In some states men are appointed to inspect food products that may be imported into the state, and the cost of this inspection can be collected by the state.

*Clause 3.* "No State shall, without the consent of Congress, lay any duty of tonnage, keep troops or ships-of-war in time of peace, enter into any agreement or compact with another State or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay."

Duty of tonnage means duty on ships. It can readily be observed from this clause that Congress has the sole power of laying duties.

Keeping troops in time of peace does not refer to the militia, who are not kept by the state unless in its pay and in actual service: this clause leaves the whole war-making power in the hands of Congress. The states are forbidden by this clause to enter into any agreement with another state, because the constitution is the agreement that binds the states together, and any other compact would tend to destroy it. There was for some years after the Revolution fear that, on account of our weakness, some European nation would obtain control of some of the states, and the states were forbidden to make any agreement or compact with a foreign power, thus leaving all diplomatic intercourse in control of the United States.

We have now finished the study of Article I. of the Constitution which has to do entirely with the legislature—the law-making power of the Government. After the laws are made they must be enforced and executed, and some power must be devised for this purpose. The Constitutional Convention made every provision for this executive power in Article II., which we will now proceed to consider.



## QUESTIONS ON CHAPTER VIII

1. Of what does Section 10 inform us?
2. What would happen if a State passed a law prohibited by this Section.  
Give an instance.
3. Where does the treaty-making power lie?
4. Who only can commission privateers?
5. The issuance of money is with whom?
6. What is the Dartmouth College case?
7. Import duties, except for inspection purposes, are imposed by whom?
8. Where a State inspects food products imported into the State, how can the State provide for the cost of inspection?
9. What is duty on tonnage?
10. Who has power to lay this duty?
11. Does "Keeping troops in times of peace" refer to the militia?
12. Clause 3 leaves the war-making power where?
13. Why are States forbidden to enter into any agreement with another State?
14. Why are States forbidden to enter with any agreement with a foreign power?

## CHAPTER IX.

### THE PRESIDENT.

In considering Article II., which has to do with the executive function of the Government, we must bear in mind that this function calls for power to perform acts and enforce laws.

In providing for this function the framers of the Constitution were confronted with a difficult task, as, while it is necessary to give the power to some individual or set of individuals, this grant of power must be so limited that it cannot become tyranny in the hands of an evil person or persons.

The Constitution, as will be seen by this Article II., grants the executive power to one person, and designates his qualifications, manner of election and term of office, and specifies his powers and duties. We have learned in Article I. that Congress has power to impeach and to try the executive officer, should he overstep his powers or fail in his duty.

### ARTICLE II.

*Section 1. Clause 1.* "The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice-President chosen for the same term, be elected as follows:



*Clause 2.* "Each State shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of senators and representatives to which the State may be entitled in the Congress; but no senator or representative, or persons holding any office of trust or profit under the United States shall be appointed an elector."

*Clause 3.* "The electors shall meet in their respective States, and vote by ballot for two persons, of whom one, at least, shall not be an inhabitant of the same State with themselves; and they shall make a list of all the persons voted for, and of the number of votes for each, which list they shall sign and certify, and transmit, sealed, to the seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates: and the votes shall then be counted. The person having the greatest number of votes shall be President, if such number be a majority of the whole number of electors appointed; and if there be more than one who have such a majority, and have an equal number of votes, then the House of Representatives shall immediately choose by ballot one of them for President; and if, no person having a majority, then, from the five highest on the list, the

said House shall, in like manner, choose the President; but, in choosing the President, the votes shall be taken by States, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States; and a majority of all the States shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the electors shall be the Vice-President. But, if there should remain two or more who have equal votes, the Senate shall choose from them, by ballot, the Vice-President."

**The Electoral College.** Clause 2 provides for a number of men from each state, all of whom are to meet together and vote for two natural-born citizens for President and Vice-President. The men are to be appointed as the state legislature may direct. The different state legislatures have passed laws by which these electors are at the present time elected by the people in the same manner as other civil officers are elected. It will be noticed that citizenship is not a qualification of a presidential elector.

**Weakness of Clause 3 as Displayed in the First Four Elections.**—Let us follow out the actual working of Clause 3 during the early history of the United States. At the first election Washington received 69 votes and John Adams 34. These being the two highest of all those voted for, Washington was declared President and John Adams

Vice-President. At the next election in 1792 Washington was highest on the list with 132 votes and Adams next with 77. They were accordingly elected President and Vice-President a second time. Washington refused to be a candidate for a third time and thus set an example which has since been followed, no third-term candidate as yet having been voted for. There is, however, no law to prevent a President being elected three or more times.

At the election in 1796 John Adams of the Federalist Party received 71 votes, and Thomas Jefferson of the \* Republican Party received 68 votes; and, being the two highest on the list voted for, Adams was elected President and Jefferson Vice-President. Here we see a weak point in this clause—if Adams had died, Jefferson, who belonged to the opposite political party, the party in the minority, would have become President; and during four years the two highest offices in the Government were held by men of different political beliefs and thoughts. This did not lead to harmony and good feeling at the head of the Government.

In 1800 Thomas Jefferson received 73 votes and Aaron Burr received 73 votes — a tie. The election according to this clause devolved on the House of Representatives, and there Jefferson received the votes of ten states and Burr received the votes of four states. The former was accordingly elected President and the latter Vice-President.

**Amendment of Clause 3.**—In the meantime the people discovered the weakness of this clause, and before the next election an amendment (the 12th) was added to the Consti-

\* Now known as the Democratic Party.

tution correcting this defect. This amendment changes the method of voting by the electors so that they vote for one man for President, and another man for Vice-President; and if the highest on the list of candidates for President does not receive a majority, the House of Representatives elects one from the highest three on the list.

John Quincy Adams was elected President in this manner by the House of Representatives, the only President so elected.

If the highest on the list of those voted for by the electors for Vice-President does not receive a majority, the Senate from the two highest on the list elects a Vice-President. Richard M. Johnson was thus elected by the Senate, although at the same election Martin Van Buren was elected President by a majority of the electoral votes.

This method of voting by the electors has now become a mere form, because the candidates are picked out by the people; and the electors are in honor bound to vote for the candidate of the people or party who elected them. The President and Vice-President therefore come nearer to being elected by popular vote than was the intention of the framers of the Constitution.

**The Election of 1876.** — In 1876 Florida and Louisiana each sent in two sets of electoral returns, one set voting for Mr. Tilden's electors, and one set voting for Mr. Hayes' electors. As there was no provision in the Constitution and no law on the statute books for a case like this, Congress appointed a commission of fifteen, five from the House of Representatives, five from the Senate, and five from the



Supreme Court. This commission decided by a vote of eight to seven in favor of Mr. Hayes' electors. Congress in 1887 passed a law applicable to cases of this kind.

*Clause 4.* "The Congress may determine the time of choosing the Electors, and the day on which they shall give their votes; which day shall be the same throughout the United States."

At present the electors are voted for on the Tuesday next after the first Monday in November, and the electors vote on the second Monday in January.

*Clause 5.* "No person, except a natural-born citizen or a citizen of the United States at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States."

The above clause is self explanatory; by it the office is guarded against foreign intrigue and corruption. The required residence of fourteen years allows the citizens to gain a knowledge of the man and his attachment to his country.

*Clause 6.* "In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice-President;



and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice-President, declaring what officer shall then act as President, and such officer shall act accordingly until the disability be removed, or a President shall be elected."

**Law of Succession.** — Five Presidents have died in office and have been succeeded by Vice-Presidents ; William H. Harrison was succeeded by John Tyler in 1841. Zachary Taylor was succeeded by Millard Fillmore in 1850. Abraham Lincoln was succeeded by Andrew Johnson in 1865, James A. Garfield by Chester A. Arthur in 1881, and Wm. McKinley was succeeded by Theodore Roosevelt in 1901. There has never been a vacancy in both offices at the same time. Congress has provided by law if such a case should occur, that the members of the cabinet in the order of the creation of the office shall act as President, till another shall be elected. This order is as follows : Secretary of State, Secretary of the Treasury, Secretary of War, Attorney General, Postmaster General, Secretary of the Navy, Secretary of the Interior, Secretary of Agriculture, Secretary of Commerce, and Secretary of Labor.

In the event of a cabinet officer acting as President, a new election would be held, the next November, on the Tuesday following the first Monday. He could not serve out the full presidential term as does the Vice-President.

*Clause 7.* "The President shall, at stated times, receive for his services a compensation, which shall

neither be increased nor diminished during the period for which he shall have been elected; and he shall not receive within that period any other emolument from the United States, or any of them."

**Salary of the President.**—Until President Grant's second term the salary of the President was twenty-five thousand dollars a year. During Grant's first term an act was passed making the salary fifty thousand dollars a year. In March, 1909, it was made \$75,000. The President is given a residence and is furnished some servants. The provisions in this clause concerning increase of salary during his term of office and emolument from the United States or any state are to guard against bribery.

*Clause 8.* "Before he enter on the execution of his office, he shall take the following oath or affirmation: 'I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States; and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States.'"

All Vice-Presidents who have succeeded to the office of President have taken this oath.

*Section 2. Clause 1.* "The President shall be the commander-in-chief of the army and navy of the United States, and of the militia of the several States when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive depart-

ments, upon any subject relating to the duties of their respective offices; and he shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment."

**The President's War Powers.**—As the President is the executive or enforcing function of the Government, it is proper that he should be commander-in-chief of the army and navy. As yet no President has acted on the field of battle; but in time of war, Presidents in office at the time have issued many orders to both naval and military officers. The President generally issues his orders through the executive departments. The heads of the executive departments compose the cabinet. These were enumerated when we considered the succession to the Presidency in case of vacancy in the offices of President and Vice-President.

In 1898 President McKinley, through the head of the Navy Department, Secretary Long, ordered Admiral Dewey to find and destroy the Spanish fleet, which order the Admiral carried out with a thoroughness hitherto unknown in naval history.

In 1846 President Polk ordered General Taylor to march the United States army across the Nueces River and go to the Rio Grande on the Mexican frontier. This was the first military move in the Mexican War. Congress soon after declared that war existed.

The President as commander-in-chief in time of war can make use of so called war measures which will tend to place the enemy at a disadvantage.

President Lincoln in 1863 issued the Emancipation Proclamation as a war measure. As this freed the slaves of those at war with the United States it was evidently to the disadvantage of the enemy.

**The Heads of Departments, or the Cabinet.** — The heads of departments in addition to special reports made at the request of the President, now make annual reports which are printed for the information of the people.

The Secretary of State reports on our relations with foreign countries, concerning negotiations and correspondence with them, these affairs being in his charge.

The report of the Secretary of the Treasury contains information as to the amount of money collected and expended, the amount of the debt, interest on the debt, the amount of money on hand, and all other matters relating to the finances of the nation.

The Secretary of War is head of the war department and his annual reports show in detail everything connected with the military service.

The Attorney-General reports as to the condition of the affairs of justice, it being the duty of his department to attend to all the law business in which the United States may be interested. His department prosecutes all breaches of the United States laws, which come before the Supreme Court, and gives legal opinions and advice to the President on request.

The Postmaster General reports on all matters connected with carrying the mails.

The Secretary of the Navy reports on the condition of the



navy. This department is directly under his immediate control and includes the ships, docks, dockyards, naval depots and arsenals.

The Secretary of the Interior has charge of the public lands, surveys, explorations, pensions, patents, and transactions with the Indians ; and on all these matters he makes annual reports.

The Secretary of Agriculture superintends all the agricultural interests of the country, distributes seeds, makes experiments in regard to new methods of cultivation and reports the results of all these transactions. These reports when printed are distributed among the farmers, and tend to the general welfare of the country at large. The weather reports are also in charge of the Secretary of Agriculture.

The Secretary of Commerce reports on the condition of commerce and inland transportation ; it is his duty to see that the transportation companies conduct their business in a lawful manner.

The Secretary of Labor reports on labor conditions. He also has charge of naturalization.

Each of these secretaries receives a salary of eight thousand dollars per year, and they meet on appointed days with the President to discuss the affairs of the nation.

We shall learn that the individual state governments are very similar to that of the United States ; but this feature of a number of secretaries acting as a cabinet or advisory council is entirely wanting in the state governments. In fact, this feature is nowhere contemplated in the United States Constitution, and is the result of gradual growth. In the early history of our country there were but three secretaries.



**The Pardoning Power.**—The last sentence of Clause 1 refers to the President's power to pardon. This power exists in all good governments and is generally in the hands of the executive department. President Madison pardoned General William Hull, who had been sentenced to be shot for cowardice in the War of 1812. Twelve years after being pardoned, Hull proved to the country that his conviction was an error. .

President Lincoln in 1863 issued a pardon to certain of the southern people who had been in rebellion against the United States; and after the Civil War President Johnson issued pardons at three different times granting amnesty and the rights of citizenship to many of those persons who had been engaged in the war against the Union.

*Clause 2.* "He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate shall appoint ambassadors, other public ministers, and consuls, judges of the Supreme Court, and all other officers of the United States whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers as they think proper in the President alone, in the courts of law or in the heads of departments."

Treaties are usually negotiated by the President or his representatives and then sent to the Senate for their consent.

In like manner the names of men appointed to the various offices of the government are sent to the Senate for their approval. The action of the Senate is more that of consenting or refusing than of advising.

**Civil Service Laws.**—In accordance with this clause Congress has vested the power of appointment to many inferior offices, in the heads of departments, and has passed acts called Civil Service laws, whereby the applicants for such offices are compelled to pass competitive examinations, showing fitness for the position sought. These laws also insure the successful applicant the right to hold the position undisturbed by political pressure as long as he is fit to do the required work.

*Clause 3.* “The President shall have power to fill up all vacancies that may happen during the recess of the Senate by granting commissions, which shall expire at the end of their next session.”

**Filling Vacancies.** — This clause does away with the necessity of calling a special session of the Senate to ratify appointments, which may become necessary on account of the death of ambassadors, judges or other officers, while Congress is not in session. When the Senate meets, however, in the next regular session, an appointment must be made by the President and confirmed by the Senate to fill the place of the one made *ad interim*.

*Section 3.* “He shall, from time to time, give to the Congress, information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both Houses, or either of them, and, in case of disagreement between them with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.”

**The President's Message.**—It has become a custom for the President to send a message to Congress at the beginning of each regular session, informing them of our relations with foreign nations and of our internal conditions; these messages are often accompanied by reports from each member of the Cabinet giving the condition of his department.

**The Monroe Doctrine.**—President Monroe, in one of his messages to Congress, informed them that the American Continent must not hereafter be considered as territory in which sovereignty could be acquired by European nations, either by colonization or otherwise. The substance of this message has since been known as the Monroe Doctrine, and while it never became part of a treaty or a statute, it has been recognized by American statesmen as an unwritten law.

It was in pursuance of this doctrine that the United States Government, after the Civil War, notified the Emperor of France to withdraw his troops from Mexico; and Maximilian, the usurper, being thus deprived of foreign assistance, was dethroned and shot by the Mexicans.

**Extra Sessions.**—President Martin Van Buren (1837) called an extra session of Congress to consider ways and means to improve the condition of the country which had just passed through a financial panic. He sent a message to them recommending the establishment of the independent treasury system.

The two Houses of Congress have never had a disagreement as to time of adjournment, so it has never been necessary for the President to exercise his prerogative of adjourning them.

As negotiations with foreign nations are conducted by the President, he is, of course, the proper official, and his the proper department of government, to receive ambassadors and representatives of other governments.

This clause emphasizes the fact that the Presidential office is the executive department of the Government by declaring that he shall take care that the laws be faithfully executed.

As the President, with the Senate, appoints all the officers of the Government, it becomes his duty to give them commissions, which are documents authorizing them to act.

*Section 4.* "The President, Vice-President, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors."

This clause designates who may be impeached and makes it mandatory that those impeached on conviction shall be removed from office; the offences for which an official may be impeached are also here enumerated.



## QUESTIONS ON CHAPTER IX

1. Article II has to do with what functions of government?
2. Why did the framers of the Constitution find Article II a difficult task?
3. The executive power is vested in whom?
4. What is the Electoral College, and what are its duties?
5. Is citizenship a qualification for an elector?
6. What was the weakness in Clause 3?
7. How was this defect corrected?
8. What was the eight-to-seven commission?
9. When are electors voted for?
10. When do the electors vote?
11. What are the qualifications for the presidency?
12. What presidents have died in office, and who succeeded them?
13. What is the Law of Succession?
14. In the event of a cabinet officer succeeding to the presidency, could he fill out the presidential term?
15. What is the salary of the President?
16. May his salary be increased or diminished during his term of office?
17. May he receive any other emolument?
18. What oath of office must the President take?
19. Who is commander-in-chief of the army and navy?
20. What order did President McKinley issue in 1898?
20. President Polk in 1846?
21. What war measure did President Lincoln issue in 1863?
22. Who compose the President's Cabinet?
23. Define the duties of the following Cabinet officers:
  - The Secretary of State.
  - The Secretary of the Treasury.
  - The Secretary of War.
  - The Attorney-General.

The Postmaster-General.  
The Secretary of the Navy.  
The Secretary of the Interior.  
The Secretary of Agriculture.  
The Secretary of Commerce.  
The Secretary of Labor.

24. What is the salary of each of these?
25. Does this "Cabinet" feature obtain in the State Governments?
26. In whom is the pardoning power vested?
27. Give an instance in which a President used this power.
28. Treaties are negotiated by whom? Confirmed by whom?
29. What officers of the United States are appointed by the President "by and with the consent of the Senate"?
30. What are civil service laws?
31. How may the President fill vacancies?
32. What is the President's message?
33. What is the Monroe Doctrine?
34. When and why were the French ordered by us to withdraw from Mexico?
35. Why did President Van Buren call an extra session of Congress?
36. Why should the President receive ambassadors?
37. What sentence in this clause emphasizes the particular duty of the President?
38. What is an officer's commission?
39. What officers of the United States may be impeached?
40. For what may they be impeached?
41. On impeachment and conviction is the accused capable of holding an office under the Government?

## CHAPTER X.

### THE COURTS OR JUDICIAL DEPARTMENT.

From Articles I. and II. we have learned the make up, powers and duties of the Legislative and Executive functions of the Government. We now know the qualifications of Representatives and Senators, we know what powers they have to make laws for the United States, and what powers are denied them, what privileges are theirs, and their connection as law makers with the President.

We have been informed as to what manner of man may be elected President, how he may be elected, and what he may or may not do in enforcing the laws of the United States after he is elected.

**Necessity of the Courts.**—In Article III. we shall learn the composition of the judicial department of the Government. The framers of the Constitution knew from the experience of mankind that differences of opinion as to the meaning of the clauses in the Constitution would arise, that there would be disagreements among citizens and states as to the interpretation of the laws of Congress; and they therefore established the judicial department as a court which could decide and settle these differences and disagreements.

They were also aware that in the future, as in the past, men would be either rightfully or wrongfully accused of

crime, and a court thus established could decide as to the guilt or innocence of the accused, and punish him if convicted.

### ARTICLE III.

*Section 1.* “The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts, as the Congress may, from time to time, ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior; and shall, at stated times, receive for their services a compensation, which shall not be diminished during their continuance in office.”

**The United States Judicial System.** — The Supreme Court now consists of eight associate judges and a chief judge. Congress under this clause has established inferior courts from time to time. The whole United States is divided into nine circuits. In each circuit is established a circuit court; each of the circuit courts has a judge of the Supreme Court assigned to it, besides three circuit judges, except two circuits which have only two circuit judges each.

The United States is further divided into seventy-six judicial districts, each presided over by a district court judge.

As the United States cannot be sued by a citizen or a state, Congress established in 1855 a Court of Claims, to hear and determine claims against the United States. If any such claims should be established against the United States it would be necessary for Congress to pass a law appropri-

ating the money to pay them, as we have already learned that no money can be drawn from the treasury unless through an appropriation of Congress.

This court consists of one chief judge and four associate judges.

Congress has also established a Court of Private Land Claims, consisting of one chief judge and four associate judges; this Court determines controversies involving a certain class of claims arising under United States laws relating to land grants in the recently acquired territory of the United States.

Cases may be appealed from the District and Circuit Courts to the Supreme Court for final judgment. The Supreme Court became so crowded with these appeals that in 1891 Congress established a Circuit Court of Appeals to relieve the Supreme Court. This Court consists of a Supreme Court judge, a Circuit Court judge and a judge appointed for this particular Court.

Congress has also established courts in the District of Columbia having jurisdiction of the District, and has also established courts in the territories with territorial jurisdiction.

From time to time special courts have been created by Congress for considering special cases. The court of Spanish War Claims is an instance of this kind.

**The Judges.**—All the judges of the regular courts are appointed by the President with the consent of the Senate and hold office during good behavior, and are thus dependent on no influence for continuing in office. The fact



that their pay cannot be diminished during their continuance in office also makes them independent of Congress.

These judges, appointed by the President and confirmed by the Senate, are removed from all political pressure, so far as income and tenure of office are concerned, and hence should render impartial and unbiased opinions.

**Court Officers.**—The officers of the United States Courts are Clerks, Marshals, a Reporter of the Supreme Court, and Attorneys. Each court appoints its own clerk. The District Attorney and Marshal are appointed by the President with the consent of the Senate. The Clerk keeps and cares for the records of all the proceedings of the court, the Marshal is the executive officer of the court and carries out the orders and judgments of the court, serves papers and makes arrests. The Reporter makes reports of all cases decided, and these reports are printed and bound, thus forming books of reference to inform lawyers of the way law points have been decided. To a certain extent these decisions become part of the law of the land.

Each District has a district attorney who represents the United States in all cases in which the Government is a party. The United States Courts admit lawyers to practice, and when so admitted they become officers of the court.

**Jurisdiction of United States Courts.** — Having now learned how the court is constituted, let us consider what power it has, and in what cases it has jurisdiction.

*Section 2. Clause 1.* “The judicial power shall extend to all cases in law and equity arising under

this Constitution, the laws of the United States, and treaties made or which shall be made under their authority; to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States; between a State and citizens of another State; between citizens of different States; between citizens of the same State claiming lands under grants of different States, and between a State, or the citizens thereof, and foreign States, citizens, or subjects."

The eleventh amendment to the Constitution provides that a citizen of one state cannot sue another state in the United States Court.

We have referred to a Reporter of the Supreme Court: Alexander J. Dallas was Reporter of the United States Supreme Court from 1789 to 1800. In the second volume of his reports is reported a case tried in the Supreme Court in which Chief Justice Jay clearly explains Clause 1 of this section. He says:

**Opinion of Chief Justice John Jay.** — "The Judicial power extends to all cases affecting ambassadors, other public ministers, and consuls; because as these officers are of foreign nations whom this nation is bound to protect and treat according to the laws of nations, cases affecting them ought to be cognizable only by national authority:

"To all cases of admiralty and maritime jurisdiction ; because as the seas are the joint property of nations, whose rights and privileges relative thereto are regulated by the laws of nations and treaties, such cases necessarily belong to national jurisdiction :

"To controversies to which the United States shall be a party ; because in cases in which the whole people are interested, it would not be equal or wise to let any one state decide and measure out justice due to others :

"To controversies between two or more states ; because domestic tranquillity requires that the contention of states should be peacefully terminated by a common judiciary and because, in a free country, justice ought not to depend on the will of either of the litigants :

"To controversies between citizens of the same state claiming lands under grants of different states ; because, as the rights of the two states to grant the land are drawn into question, neither of the two states ought to decide the controversy :

"To controversies between a state or the citizens thereof, and foreign states, citizens or subjects ; because as every nation is responsible for the conduct of its citizens toward other nations, all questions touching the justice due to foreign nations or people ought to be ascertained by and depend on national authority."

**Some Important Cases.** — The United States District Court tried Aaron Burr for treason in 1807. In 1819 the United States Supreme Court decided that the law passed by Congress creating the United States Bank is constitu-

tional. In 1855 the United States District Court for the Eastern District of Pennsylvania tried Henry Hertz for hiring persons to go out of the United States to enlist in the British foreign legion for the Crimea. This was a case arising under the neutrality laws of nations or laws whereby one country not at war is bound to prevent its citizens from aiding either of the nations who are at war.

*Clause 2.* "In all cases affecting ambassadors, other public ministers, and consuls, and those in which a State shall be party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exception and under such regulations as the Congress shall make."

**Original and Appellate Jurisdiction.**— When a court has original jurisdiction it has authority to try a case or matter in dispute without its having been considered in any manner in any other court. When a court has appellate jurisdiction it considers cases that have been previously tried in some inferior court, and have been appealed to this court of appellate jurisdiction for a final decision.

The original jurisdiction of the Supreme Court is very limited. It meets only at Washington and it would be a hardship for citizens living say, in California, to try their cases in Washington; so they are permitted to try them in the District Court or Circuit Court in that state. The Constitution expressly insists in the next clause that crimes against



the United States shall be tried in the state in which they were committed.

The most important cases tried by the Supreme Court have been those heard on appeal from either the Circuit or District Courts. The decisions in the Dred Scott case which at one time were of the utmost importance, and which have already been referred to, were rendered by the Supreme Court acting as a Court of Appeals. This Court is sometimes called a court of last resort, and a tribunal of this kind is embodied in the system of justice adopted by every state.

The words "law" and "fact," as to the manner they are treated by a court, may be explained now. In a trial by a jury, the jury, except in a few special cases, only considers the facts, the judge or judges interpreting the law; but when the case is appealed to the court of last resort there is no jury, and the judges in most cases consider only the law.

*Clause 3.* "The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the state where the said crimes shall have been committed; but, when not committed within any state, the trial shall be at such place or places as the Congress may by law have directed."

**A Trial Jury.**— A trial jury consists of twelve impartial and intelligent men who are selected by the combined judgment of the Court, the District Attorney (in a criminal case) and the lawyer of the accused. These men listen to the evidence against and for the accused, and to arguments



for and against him by the lawyers. The judge decides on all matters of law that may arise, rejects unlawful evidence, and tells the jury their duties as laid down by the law. The jury then retires and after deliberation brings in a verdict of conviction or acquittal. If they do not agree, a new trial may be had.

The trial must be held in the state in which the crime is committed as that locality is more convenient for all parties interested. To force the accused to a distant part of the country, would deprive him of the opportunity of obtaining witnesses and perhaps the assistance of friends and needed counsel.

Congress has provided by law for the trial of crimes committed in the territories and on the high seas. In the case of a crime committed on the high seas, the trial is held in the state at which the vessel first makes port after the crime has been committed.

*Section 3. Clause 1.* "Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses, to the same overt act, or on confession in open court."

**Definition of Treason.**—We all remember the powerful speech of Patrick Henry (1765) in the House of Burgesses of Virginia, in which he said: "Cæsar had his Brutus, Charles I. his Cromwell and George III."—He was interrupted by his hearers, with cries of "Treason, treason!"

According to the law of some countries at that time, the use of this language was treason. The framers of the Constitution made a great advance in liberal government, when in this clause they limited treason to consist of actual war against the Government or the giving aid and comfort to its enemies. They were, no doubt, guided in the matter by their previous experience with the English and colonial government. Making the evidence consist of at least two witnesses puts it out of the power of one unscrupulous man to condemn as a traitor an innocent citizen.

**Cases of Treason.**—An instance of treason in giving aid to the enemy happened in the War of 1812. In 1813 Captain Decatur, in command of two United States war vessels, the *Macedonian* and *Hornet*, was blockaded in New London harbor. He had fixed on the night of December 12 to run the blockade. The night was dark and other circumstances were favorable. When everything was ready to make the attempt, Decatur was informed by some of his lookouts that blue signal lights were burning on both sides of the river. These lights had been placed there by traitors to warn the British blockaders of Decatur's plan to escape to sea with his vessels. The guilty ones were never discovered. There has been but one case of the death penalty for treason since the foundation of the government. This case was that of William B. Mumford, who in 1862 hauled down the United States flag from the mint in New Orleans, and afterwards acted in such a manner that General Butler had him arrested and tried for treason. He was convicted and hanged.

*Clause 2.* “The Congress shall have power to declare the punishment of treason; but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted.”

**Punishment for Treason.** — Congress declared by law in 1790 the punishment of treason to be death by hanging. In 1862 another law was passed making the punishment death or at the discretion of the court imprisonment for five years and a fine of ten thousand dollars. The words attainder and attainted are in this clause used in the sense of conviction and convicted.

In former times if a father were convicted of treason in the life-time of the grandfather, the children could not inherit any property from the grandfather, this property all being forfeited to the government, thus working injury to the innocent children and their descendants. To quote Mr. Madison in the *Federalist* — “The Convention have restrained Congress from extending the consequences of guilt beyond the person of its author.”

## QUESTIONS ON CHAPTER X

1. The Supreme Court of the United States consists of whom?
2. How many circuits in the United States?
3. How many courts in each circuit?
4. How many judges assigned to each Circuit Court?
5. How many judicial districts in the United States? How presided over?
6. Can the United States be sued by a citizen?
7. Can the United States be sued by a State?
8. How may claims against the United States be heard and determined?
9. The Court of Claims consists of how many judges?
10. What is the Court of Private Land Claims?
11. May cases be appealed from the District and Circuit Courts?
12. What provision has Congress made for the District of Columbia and the territories?
13. How are the judges appointed?
14. What are the officers of the courts?
15. How many district attorneys are appointed for each district? His duties?
16. Can a citizen of one State sue another State in a United States court?
17. What is the opinion of Chief Justice John Jay as to the judicial power?
18. Cite some important cases heard before the United States courts.
19. What is original jurisdiction?
20. What is appellate jurisdiction?
21. Where must crimes against the United States be tried?
22. The Supreme Court is sometimes called what?
23. Does each State have a court of this kind in its system of justice?
24. Explain the words "law" and "fact."
25. What is a trial jury?

26. On what does a judge decide in a trial?
27. If the jury disagrees may a new trial be had?
28. Why should the trial be held in the State in which the crime is committed?
29. In case of a crime on the high seas, where must the trial be held?
30. What is treason against the United States?
31. How many witnesses are necessary to convict of treason?
32. Give an instance of treason in the War of 1812. One in the Civil War.
33. What is the punishment for treason?
34. What do the words "attainder" and "attainted" here mean? (See glossary.)
35. In former times, what would happen to the children of one convicted of treason?
36. Under the Constitution can there be any punishment inflicted on any save the person accused of treason?



## CHAPTER XI.

### DUTIES OF THE UNITED STATES TO THE STATES, AND DUTIES OF EACH STATE TO THE OTHER STATES.

The first three articles of the Constitution which we have just discussed, treat of the composition, power and duties of Congress, the President and the courts, in whom are respectively vested the legislative, executive and judicial functions.

The remaining articles treat of some of the rights of the states, and of the citizens, also of the duties of the states to one another and to citizens.

### ARTICLE IV.

*Section 1.* "Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. And the Congress, may by general laws, prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof."

**Public Acts of the State.** — The public acts of a state are the laws enacted by its legislature. The Legislature of Colorado has enacted that the legal rate of interest in the State is eight per cent. A judgment obtained on a note made in Colorado with interest at the legal rate, could be collected in New York State, if the maker lived and owned

property in that State, although the legal rate in New York is only six per cent, because New York must give "full faith and credit" to the "public acts and judicial proceedings" of Colorado.

**A Judgment.** — When one man has a claim against another for money or other property and sues for it in a state court, the decision of the court is called a judgment and is a record of that court. By this clause every other state in the Union is compelled to recognize this judgment without any other trial. Congress has enacted that this record shall be proved by the judge and the clerk of the court witnessing it under the seal of the court.

*Section 2. Clause 1.* "The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States."

This clause means that a citizen of New Jersey or of any other state travelling in New York shall have every privilege that a citizen of New York State has. In other words, no state can impose any hardships on a citizen of the United States because of the fact that the citizen is not a resident of that particular state.

*Clause 2.* "A person charged in any State with treason, felony or other crime, who shall flee from justice, and be found in another State, shall, on demand of the executive authority of the State, from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime."

**Requisition Papers.**—In 1793 Congress passed a law which in substance provides that the governor of the state from which the accused person has fled shall make requisition on the governor of the state to which the person has gone. This requisition must be accompanied by papers showing the charge against the accused, and the proof that he is a fugitive from justice. When these papers are correct, the accused is delivered to the state whence he fled, there to be treated according to the law of that state.

*Clause 3.* “No person held to service or labor in one State under the laws thereof, escaping into another, shall, in consequence of any law or regulations therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.”

This clause refers to slavery and, as slavery was abolished by the thirteenth amendment, the clause is not now a part of our law.

*Section 3. Clause 1.* “New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State, nor any State be formed by the junction of two or more States, or parts of States, without the consent of the Legislatures of the States concerned, as well as of the Congress.”

**Territories.**—The first state admitted into the Union was Vermont, in 1791. Vermont was at one time a part of

New York and New Hampshire, and was not admitted until the legislatures of these states gave their consent.

*Clause 2.* "The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory, or other property, belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States or of any particular State."

**Authority Over Territories is Vested in Congress.**—All the territory outside the limits of the original thirteen states eventually came under the control of Congress, and until this became populous enough to be admitted as states, it had to be regulated by some authority. By this clause this authority was vested in Congress. It will be noted that authority over territories is vested in Congress, *not* in the people of the territory.

Congress accepted the Ordinance of 1787 as the law governing the Northwest Territory. The important clause in this Ordinance was that slavery should not exist in any state that might be erected out of this territory. This had an important bearing on the history of the United States.

**Disposition of Territory.**—The United States has under this clause given land to soldiers and sailors of the various wars; it has encouraged the settlement of the frontiers, by making the price of large tracts nominal to persons who would make their homes on the land. The liberal policy of the government in this respect has been a great factor in the rapid growth of the country.



The Government has promoted the building of railroads across wild and unsettled regions by giving land to the railroad companies.

Acting under the powers given it by this clause Congress has set aside from the territory of the United States the Yellowstone Park, to be a grand public park for the use and enjoyment of the people forever.

**Government of Territories.**—Congress organizes and establishes the government of the territories. The President and the Senate appoint the governor and judges of the Supreme Court and some other officers. The people of the territory elect the members of the legislature : but all laws passed by the territorial government must be submitted to Congress for final consideration. The Territory of Utah passed laws permitting polygamy, which were nullified by the United States Congress.

The people of a territory elect one delegate to Congress who has the right to speak on measures, but cannot vote.

*Section 4.* “The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion, and, on application of the legislature or of the executive (when the legislature cannot be convened) against domestic violence.”

**The United States Protects the States.** — This clause insists that each state shall have a republican form of government. By building forts on the coasts, and organizing



an army and a navy, the government has taken steps to protect the states against invasion.

In the war of 1812 the troops guarded the Canada frontier, and the ships the coast.

In 1894 President Cleveland sent United States troops to Chicago to quell a riot, thus protecting the State of Illinois against domestic violence. He did this, not at the request of the legislature or the executive, but on the ground that it was necessary to protect the United States Mails.

### ARTICLE V.

"The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress: Provided that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate."

**Necessity of Making Amendments.** — The makers of the Constitution realized that in the course of time progress would be made in government as well as in all other creations of man, and this progress would demand change in methods. By inserting this clause they provided a way of adding to or changing the Constitution. The final approval of three-fourths of the states is necessary for a change, the majority being large enough to prevent hasty or careless alterations in the Constitution.

Twenty-one amendments have been proposed at different times by two-thirds of both Houses, seventeen of which have been ratified by the legislatures of three-fourths of the states and have therefore become part of the Constitution. We shall have reason farther on to consider these amendments.

The forbidding the alteration of the "first and fourth clauses in the ninth section of the first article" has reference to slavery, and has no weight now.

**Equal Suffrage in the Senate.** — The last sentence in this clause, "And that no State without its consent, shall be deprived of its equal suffrage in the Senate," was inserted after considerable opposition in the convention on the last day of the session. And it guarantees forever to each state as long as it desires, its two votes in the Senate.

## ARTICLE VI.

*Clause 1.* "All debts contracted and engagement entered into, before the adoption of this Constitution, shall be as valid against the United States, under this Constitution, as under the Confederation."

**Foundation of the Credit of the United States.** — We have already referred to the money borrowed by the Continental Congress, while working under the Articles of Confederation, and its inability to repay it. This clause gave to the creditors of the United States a guarantee that the change of the Government from the Articles of Confederation to the Constitution would in no way interfere with the payment of the old obligations and debts of the Government ; and it is also a pledge that treaties and engagements entered into will be carried out.

After the organization of the government, Alexander Hamilton, Secretary of the Treasury, submitted a plan for the payment of these old debts. This plan was adopted by the Government, and thus was made firm the credit of the United States.

*Clause 2.* “ This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land ; and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.”

**The Supreme Law of the Land.** — This clause was inserted in order that there might be no doubt as to the supreme law of the land. And the Supreme Court of the United States has exercised this supreme authority, and in many cases has declared unconstitutional and void not only

legislative acts of different states, but also parts of state constitutions.

The State of New Jersey entered into a contract with some Indians as to land occupied by them, abolishing the taxes on their land forever. When the Indians sold their land to other people, the state tried to tax the land. The United States Supreme Court declared this act unconstitutional and void, as it was an act violating the obligations of the old contract with the Indians.

The Dartmouth College case already referred to was another case in which the Supreme Court of the United States declared the unconstitutionality of the law of a state.

*Clause 3.* "The Senators and representatives before mentioned, and the members of the several State legislatures, and all executive and judicial officers both of the United States and of the several States, shall be bound by oath or affirmation to support this Constitution; but no religious test shall ever be required as a qualification to any office of public trust under the United States."

It is supposed that the ceremony of taking an oath or making a solemn affirmation appeals to the honor of and all that is best in a man, and thus causes him to act uprightly. Hence all the officers of the different departments of the United States and state governments are required to make oath or affirmation as laid down in this clause.



**State Officers Bound by the Constitution.**—The several state governments are connected with the United States Government, as we can readily see by referring to the clauses in the Constitution denying certain rights and privileges to the United States. For instance, a state legislator would violate his oath if he voted for a law to impose a tax on goods imported from another state into his own, a governor would be untrue to his obligations if he tried to collect such a tax, and a judge would break his pledge in deciding such a case lawful.

We have already seen that in some of the early colonial governments, a religious test was required not only to vote but also to hold public office. These qualifications always led to troubles and bitter feelings, and the last sentence in this clause was inserted to do away with this cause of dissension, in a free government, so far as it applied to holding office.

## ARTICLE VII.

“The ratification of the Convention of nine States shall be sufficient for the establishment of this Constitution between the States so ratifying the same.”

**Discussion and Ratification of the Constitution.**—How and when the thirteen States ratified the Constitution in accordance with this article we have learned in a previous chapter.

From the time the Constitutional Convention finished its work, September 17, 1787, until its ratification by the conventions of eleven states, nearly a year elapsed.



During this time the Constitution was thoroughly discussed in the state conventions and among the people. The great statesmen of the time made speeches concerning it from the platform, and wrote articles in the press, in which all the ideas contained in this famous document were thoroughly considered.

The most famous of these articles were written by Madison, Hamilton and Jay. These have been collected and published under the name of "The Federalist."

**Bill of Rights.**—In all the discussions we note the fear on the part of the people and the states of giving up to Congress and the Central Government rights and privileges that they thought should be exercised only by the people and the States. And it was often stated that the Constitution contained no Bill of Rights — that is to say, a complete statement of the rights of the people. Hamilton's statement in "The Federalist" in reply to this is, "The truth is, that the Constitution is itself in every rational sense, and to every useful purpose, a Bill of Rights."

As a result of all these discussions, there arose among the people an understanding that Congress would at the first opportunity propose amendments that would include the matters discussed and considered before the ratification.

Accordingly on September 25, 1789, Congress proposed the first ten amendments which were ratified by the States December 15, 1791. These and all other amendments have the same effect as if they had been included in the original Constitution. Let us now consider the clauses of the amendments.

## QUESTIONS ON CHAPTER XI

1. What are the public acts of a State?
2. What is a judgment?
3. A citizen of New Jersey or of any other State, traveling in New York, is entitled to what?
4. What are requisition papers?
5. What was the first State admitted into the Union?
6. Why was the consent of the Legislatures of New York and New Hampshire necessary for its admission?
7. In whom was the authority over territories vested?
8. What was the important clause in the Ordinance of 1787?
9. How has Congress disposed of land belonging to the United States?
10. By what authority was the Yellowstone Park established?

## TERRITORIAL GOVERNMENT.

- a. Organized and established by whom?
- b. Governor appointed by whom?
- c. Judges of the Supreme Court appointed by whom?
- d. Legislature elected by whom?
- e. All laws passed by territorial government must be submitted to whom?
- f. The territorial delegate to Congress elected by whom?
- g. Has he a vote?
11. Each State must have what form of government?
12. How has the general government protected the States against invasion?
13. How did President Cleveland protect the State of Illinois against domestic violence, and why?
14. How may Congress propose Amendments to the Constitution?
15. How may the States propose Amendments to the Constitution?

16. To ratify any proposed Amendment requires how large a vote of the States?
17. How is equal suffrage in the Senate guaranteed?
18. How was the credit of the United States made firm by Alexander Hamilton?
19. What is the supreme law of the land?
20. Mention two instances in which a State law was declared unconstitutional.
21. Can a religious test be required as a qualification to any office of public trust under the United States?
22. How long after the Constitutional Convention finished its work before eleven States ratified the Constitution?
23. What is the "Federalist?"
24. What is a Bill of Rights? (See also Magna Charta in glossary.)
25. When did Congress propose the first ten Amendments to the Constitution?
26. When were they ratified by the States?

## CHAPTER XII.

### THE AMENDMENTS.

#### ARTICLE I.

“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.”

At the time this article was drawn, many European countries supported religious establishments and imposed restrictions on those of a different religion than that established by the country. It was fear of similar restrictions that caused the people to insist on this sentence of this article.

Freedom of speech and of the press, as expressed in this article, does not give the right to wrongfully injure the character or business of persons by words, either spoken or written.

The right of the people peaceably to assemble, and the right of petition, are regarded as rights necessary to the preservation of liberty; and, consequently, this safeguard was placed here.

## ARTICLE II.

"A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed."

The militia organization has been previously explained. The individual states exercise some restrictions on the bearing of arms by the people, it being unlawful to carry *concealed* weapons in many states.

## ARTICLE III.

"No soldier shall in time of peace be quartered in any house without the consent of the owner; nor in time of war but in a manner to be prescribed by law."

To quarter soldiers means to lodge or place them in a house. It will be remembered that the citizens of the colonies refused to comply with the Quartering Act passed by Parliament ordering them to furnish quarters to the British soldiers in time of peace.

## ARTICLE IV.

"The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures shall not be violated; and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."



**Search Warrant.**—A search warrant is a writing issued by a judge or court upon sworn evidence, alleging violation of the law in the place to be searched and describing the persons or things to be seized in the place, and without this warrant no officer has a right to search a house or premises. Warrants have been issued upon sworn evidence to search places for counterfeit money, arrests have been made, and materials and counterfeit money seized. Without a warrant, however, the officers could not lawfully enter such premises against the wishes of the owner.

### ARTICLE V.

“No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service, in time of war or public danger; nor shall any person be subject, for the same offense, to be twice put in jeopardy of life or limb; nor shall he be compelled, in any criminal case, to be a witness against himself; nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.”

The rights enumerated in this article are all common law rights in England, rights that gradually grew into the judicial system of England.

A capital crime is one punishable with death; infamous crimes are those punishable with long terms of imprisonment.

**The Grand Jury.**—A grand jury consists of a number of men chosen by an officer of the court from among the citizens; the number must be not less than twelve nor more than twenty-three, twelve of whom must agree in order that a presentment or indictment may be found.

**Presentments and Indictments.**—A presentment is found by a grand jury on its own information. An indictment is an accusation against a person, drawn by a government officer, called the District Attorney. The indictment must clearly charge the time, place, and nature of the offense, so that the accused may have full notice of the charge, and be able to defend himself intelligently when tried before the petit jury.

When a presentment is made by a grand jury the proper court officer must draw an indictment.

It is the duty of the grand jury to examine all indictments, hear all evidence in each case, and if they believe the charge true they indorse on the indictment "A true bill," and the accused person is held for trial by a trial jury. If on the other hand the grand jury do not consider that the evidence is sufficient to convict, they indorse the indictment "Not found," and the accused is released. He may, however, be indicted a second time.

The cases in this article which are excepted from indictment are, as is readily understood, in the department of

military justice, and are tried by court-martial, which proceeding has been previously described.

**Jeopardy of Life or Limb.**—"No person shall be twice put in jeopardy of life or limb for the same offense," means that a person after being tried by a trial jury and found not guilty shall not be again tried for the same offense. The distinction between an indictment and a trial will here be noted—a person can be indicted more than twice, as indicting is not considered putting life and limb in jeopardy.

If a trial jury disagree, there has been no jeopardy of life or limb, and another trial is held. A convicted person has a right to appeal for another trial, if he thinks mistakes have been made in the first one; but in a case of a verdict of "not guilty," no matter how many mistakes may have been made in the trial, the accused can not again be tried.

**Protection of Witnesses.**—In ancient times persons were compelled even by torture to be witnesses against themselves. As men advanced in civilization, they realized the injustice and wickedness of these practices, and it became a part of the law that no man could be compelled to testify against himself; and now it is unlawful to compel a witness to say anything that would tend to criminate him or even disgrace him before his fellow-men.

By "due process of law," in this article, is meant regular indictment and trial by jury, as just explained.

**Right of Eminent Domain.**—It sometimes becomes necessary for the government to take private property for

public buildings, fortifications, national cemeteries, dock-yards, military and naval schools, and even post roads. But this property cannot be taken without paying the owner. If the government and the owner cannot agree upon the price, a number of men acting as a jury decide on the value of the property, which must be accepted by the owner.

This right of the government to take private property for public use on payment of just compensation is called the "right of eminent domain."

## ARTICLE VI.

"In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law; and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defense."

### **Protection of the Accused in Criminal Prosecution.**

—A person charged with a crime can be confined in a prison before his trial. This article provides that he shall not remain long in confinement before he is proved either guilty or innocent. Congress, as we have seen, divided the United States by law into judicial districts; and the accused must be tried in the one in which the crime was



committed, in order that he may the more readily obtain assistance and evidence. The indictment informs the accused of the nature of his offense and, the trial being public, he is confronted with the witnesses against him. The part of Article VI. we have just discussed is derived from the old common law. The last sentence of this article is part of the English Statute Law. A witness whose evidence is desired at court is given a paper, called a *subpœna*, ordering him to appear at a stated time. Should he not obey this order, he may be arrested and held a prisoner till he has given his evidence, and may also be further punished by the court.

The *subpœna* is issued by an officer of the court, generally by one of the lawyers. If the accused is too poor to hire a lawyer, the court may assign a lawyer to defend him at the expense of the government. A lawyer so assigned could be compelled to assume the duty without pay, as lawyers are officers of the court and must obey all its orders.

## ARTICLE VII.

“In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved; and no fact, tried by a jury, shall be otherwise re-examined in any court of the United States than according to the rules of the common law.”

**Trial of Civil Suits by Jury.**—This article refers to civil suits or cases in which one citizen sues another for



money or property ; and where the value is over twenty dollars the case must be tried by a trial jury, if one or both parties to the suit desire it. As the jury's duty is to determine the facts and the judge's duty is to determine the law, if the case should be appealed to a higher court, the facts as determined by the jury cannot be re-examined except according to the rules of the common law.

### ARTICLE VIII.

"Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted."

**Bail.**—When a person charged with a crime is arrested and imprisoned he may apply to a judge to release him on bail until the time of his trial. Bail is a pledge of property given by a friend or friends of the accused to the court. If the accused should not appear in the court on the day appointed for the trial, the property pledged is forfeited. This article requires that the pledge given should not be so large that it would be impossible for the accused to obtain it.

Fines are sometimes imposed as a punishment for offenses ; these fines must not be out of proportion to the offense.

In olden times such punishments as burning alive, branding with hot irons, putting out the eyes and otherwise maiming the body were made use of. Such cruel and unusual punishments are forbidden by this article.

## ARTICLE IX.

"The enumeration in this Constitution of certain rights shall not be construed to deny or disparage others retained by the people."

## ARTICLE X.

"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

**Powers of Government Originally Belonged to States.**—These two clauses show plainly that all rights and powers of government were originally with the states or the people, and only those given to the United States as indicated in the Constitution have been surrendered. All other rights and powers still remain to the people.

**Powers Reserved to the States.**—These rights and powers so reserved are many. The state and people have full control in all matters concerning education. The schools and colleges are in no manner under the jurisdiction of the United States. State laws define many crimes and fix the punishment therefor, regulate marriage and divorce, and have jurisdiction over railroads and canals within their borders. The Erie Canal was built by New York State.

The people in the cities and towns build roads, water-works, schools, libraries and other public buildings, and maintain police and fire departments. These are but a few instances showing the exercise of the rights and powers of the states and the people.

**The Constitution a Compact Between the People and the Central Government.**—In fact we shall learn as we proceed, that the Constitution is a compact or agreement between the people and the central government, whereby such rights and powers are delegated to the central government as will give it a place among nations of the earth and enable it to maintain that place against all attacks from without and dissensions from within ; and at the same time the Union is enabled to keep pace with the march of civilization by developing the natural advantages of the country for the benefit of all the states and all the people.

### ARTICLE XI.

“The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign State.”

This article was explained when we discussed Section 2, Clause 1, of Article III. of the Constitution.

**Equity.**—Equity is that branch of jurisprudence that goes beyond the strict construction of documents that the law generally gives ; equity is the handmaid of law in that it assists in the rendering of true rather than technical justice.

We can illustrate this as follows : A man may borrow ten thousand dollars on a house worth fifteen thousand dollars. giving a pledge, called a mortgage, for the whole house, that at a certain time the money will be paid. If the money is

not paid on time the lender may sue for it, recover judgment, and the house must be sold to repay him. If the house brings fifteen thousand dollars, equity will not permit him to keep it all, only such amount as is legally due him.

This is equitable justice, as it is right that the lender should receive only that which belongs to him, and the borrower should have also his own equity in the house.

## ARTICLE XII.

“The electors shall meet in their respective States and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President; and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each; which lists they shall sign and certify, and transmit, sealed, to the seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted: The person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of Electors appointed; and if no person have such a majority, then from the



persons having the highest numbers, not exceeding three, on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But, in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President, whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death, or other constitutional disability, of the President. The person having the greatest number of votes as Vice-President shall be the Vice-President, if such number be a majority of the whole number of Electors appointed; and if no person have a majority, then, from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators; and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States."



This article was fully explained when we considered the manner of electing the President and Vice-President in Clause 2, Section 1, Article II., of the Constitution.

### ARTICLE XIII.

*Section 1.* "Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction."

*Section 2.* "Congress shall have power to enforce this article by appropriate legislation."

This article was adopted in 1865 and abolished slavery throughout the United States.

### ARTICLE XIV.

*Section 1.* "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States, and of the States wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws."

This section was passed to define the civic position of the emancipated slaves as well as for their protection.

*Section 2.* "Representatives shall be apportioned along the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of Electors for President and Vice-President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State."

We have learned that the states determine who may be voters; this section provides that when a state for any cause except one of a treasonable or criminal nature, prevents any number of male citizens over twenty-one from voting that state shall be deprived of exactly that number in the count for representatives in Congress.

*Section 3.* "No person shall be a Senator or Representative in Congress, or Elector of President and Vice-President, or hold any office, civil or military, under the United States or under any State,

who, having previously taken an oath as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may, by a vote of two-thirds of each House, remove such disability."

This section refers to those officers of the United States and state governments, who aided the Confederates during the Civil War. Since the adoption of this amendment the disabilities have been removed from all the persons on whom they once rested.

*Section 4.* "The validity of the public debt of the United States authorized by law, including debts incurred for payment of pensions and bounties for service in suppressing insurrection and rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations, and claims shall be held illegal and void."

**Status of Debts of the Civil War.**—The first part of this section not only refers to the debts contracted in the

Civil War, but to all the public debts. The latter part of the section refers to debts and losses of the Confederates and was adopted into the organic law of the land in order to avoid any annoying litigation and law suits.

*Section 5.* "The Congress shall have power to enforce, by appropriate legislation, the provisions of this article."

This section or any similar section following an article in the Constitution is unnecessary, for it is admitted by all, and the United States Supreme Court has decided that where a right or privilege is given, the power to enforce it is also granted as a matter of course.

## ARTICLE XV.

*Section 1.* "The right of citizens of the United States to vote shall not be denied or abridged by the United States, or by any State, on account of race, color, or previous condition of servitude."

*Section 2.* "The Congress shall have power to enforce this article by appropriate legislation."

This article was adopted to permit the emancipated colored population to vote; this is the only place in the Constitution or Amendments where the right of the state to determine who may be voters is interfered with.



## ARTICLE XVI.

The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration.

The Sixteenth Amendment was declared in a proclamation of the Secretary of State, dated February 25, 1913, to have been ratified by thirty-eight of the forty-eight states.

Previous to its adoption a law laying a tax on incomes had been passed by the Congress. On a test case the United States Supreme Court declared the law unconstitutional and void. The adoption of this article has enabled the Congress to lay and collect taxes on incomes.

## ARTICLE XVII.

1. The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislatures.

2. When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: Provided, That the Legislature of any State may empower the executive thereof to make



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temporary appointments until the people fill the vacancies by election as the Legislature may direct.

3. This Amendment shall not be so construed as to affect the election term of any Senator chosen before it becomes valid as part of the Constitution.

The Seventeenth Amendment was declared in a proclamation of the Secretary of State dated May 31, 1913, to have been ratified by thirty-six of the forty-eight states.

It provides for the election of United States Senators by the people instead of by the State Legislatures. Clause 1 of Section 3, Article 1, and the second part of Clause 2 in the same Section are made inoperative by this Amendment.

## QUESTIONS ON CHAPTER XII

1. What is the first Amendment to the Constitution?
2. What restriction is placed on the bearing of arms in some States.
3. How may soldiers be quartered in times of peace? How in time of war? Why was this Amendment made?
4. What is a search warrant?
5. Can premises be searched without a warrant?
6. What is a capital crime?
7. What is an infamous crime?
8. What is a grand jury?
9. What is a presentment?
10. What is an indictment?
11. Explain the procedure of the grand jury in the case of an indictment.
12. Can a person after having been tried by a trial jury and found "not guilty" be tried again for the same offense?
13. Can a man be compelled to testify against himself?
14. What is meant by "due process of law?"
15. What is meant by "right of eminent domain?"
16. How is the accused protected in criminal prosecution?
17. What is a subpoena?
18. What civil suits must be tried by a jury?
19. What is bail?
20. Can excessive bail be required?
21. Can excessive fines be imposed?
22. Can cruel or unusual punishment be inflicted?
23. To whom did the powers of government originally belong?
24. What powers are reserved to the States?
25. What is the Constitution?
26. What is equity?
27. What Amendment abolished slavery?
28. What Amendment defines the civic position of the emancipated slaves?

29. What provision is made in the Amendments for reducing the apportionment of States that prevent any of these male citizens over twenty-one from voting?

30. How is the validity of the public debts assured?

31. How is the franchise given to the emancipated colored population?

32. Is the right of the State to determine who may or may not be voters anywhere else interfered with?

33. By what authority is an income tax laid?

34. What is the content of the Seventeenth Amendment?



## CHAPTER XIII.

### GOVERNMENT OF ILLINOIS.

**The Nature of Government.** — If people did not live together but each lived by himself, each person could do just as he pleased. He could go when and where he pleased, for it would make no difference to anyone else. He could say what he pleased, for it would offend no one and do no harm. He could do what he pleased with anything which he owns, for no one else would have a share in it.

But as soon as even two people live together they cannot do just what they please. One cannot go when he wants to, for it might be an injury to himself or his mate. He cannot do what he wants to with what he has, for it belongs to the other also. It is a great benefit to live together and for this benefit each person must give up some of his freedom. The man who lives alone on an island is free. The people who live together are under government. They are under the control of the law. They are free to do that only which injures no one, not even themselves. So far as doing harm is concerned a man who lives entirely alone may hurt himself or even kill himself. But a man with a family or friends may not do these things; for it will be a great injury to his family or friends.

**Family Government.** — In the family there must be certain rules which each member must obey if life is to be happy and useful. Each must be considerate of the wishes of the others.



Each must do the work belonging to each. Each must share with the others what belongs to all alike. There must be a head or ruler. The father is the ruler in matters of business. The mother is ruler in the matters of the home. Each one helps the other in his or her work. The children also have their duties and rights. While they are young they must obey father and mother. As they grow older they help in everything in the family work and obedience is no longer demanded, for like the father and mother, they regard the wishes of the others and do right because they know it is right.

**School Government.**—In the school many people live and work together. They come together to learn the things people need to know and to learn to behave properly toward others. There could be no school if every one did as he pleased. All must obey certain rules that all may work. Each must stay in his own place, keep quiet and let others alone. Each must come every day and on time. These are the laws of the school. The teacher is the governor. The laws are obeyed not for the teacher's good but for the good of all.

**Government of a Public Meeting.**—When people come together in a meeting to do some particular thing it will not do for each to do as he pleases, for then nothing could be done. They, therefore, elect a chairman who governs the meeting. All obey the rules of the meeting. The chairman tells them what the rules are and makes all obey.

**Village Government.**—When people live in a small village or city all must obey the laws that are made for the good of all. The mayor's business is to make all obey and punish those who refuse to obey.

**State Government.**—When a large number of people live together we call it a state. In the state the people choose many men whose business it is to make the laws that all must obey. They choose one man, the governor, whose business it is to enforce the laws, that is, make the people obey them or punish them when they do not. They also choose a few men whose business it is to hear all cases where people are accused of disobeying the laws. They decide what the law is and whether the person has disobeyed it. These men are called judges. In America we think these three different things should be done by three different persons. All this is called government.

**Growth of Government.**—People first lived in families, father, mother and children. But families began to do wrong to other families and there was fighting and killing among them. To defend themselves against their enemies, all the brothers of a family stayed by each other and fought for each other. Then all the cousins and second cousins stayed by each other. This group of kinsfolk was called a clan. The wisest and strongest among them was the chief and he ruled the clan.

In time of great danger from enemies, clans who liked each other, stayed by each other and fought the enemies of all. The strongest chief among the clans was chosen chief over the tribe.

In the course of time a number of tribes found it necessary to be friendly with each other and the strongest chief among them became the King of the nation.

**Kinds of Government.**—Sometimes a government grew up and the people had little to say about it. A strong chief conquered other clans and tribes and governed just as he pleased.

He thus made himself king and claimed that it was his right to rule. The people had nothing to do except to obey. He looked upon himself as father of his people and he ruled them as a father rules his children. This is called a Paternal Government.

In other cases the people kept their rights. When they had a king who did not rule as they wanted to be ruled they killed him and made some one king who would rule by the laws that the people had made. In America the people choose their rulers, governors for the states and president for the United States, to rule for a term of years. They then choose another one. This is self-government or a Republic. A paternal government is best where the people themselves are ignorant and where a few only are intelligent. A Republic is best where the people as a whole are intelligent and disposed to do what is right. Ignorant people are like children and need to be ruled by some one wiser than themselves.

When the ruler governs all his life and then his son after him, we call the government a monarchy. If he rules by laws made by the people, we call it a limited monarchy. When the people choose for ruler whom they please for as long as they please, we call it a Republic.

**State and Nation.**—The United States is the nation to which we belong. There are forty-eight states (1913), each of which has its own government. Yet the government of the United States must be obeyed by all these states and by the people of the states. The people of all the states have adopted a law called the United States Constitution which tells just what the United States government may do and what the state government may do. The United States does nothing which it is

the right of the states to do and the states do nothing which it is the right of the national government to do.

Each state has a law called its *constitution*, which tells what the state may do and what it may not do. Other laws are then made by the people called the *statutes*, which cannot be in disagreement with the state constitution.

The state is divided into counties. Illinois has 102 counties. In each county there are officers who carry on the government of the county. Each county is divided into towns. Here also are officers who carry on the town government. The state is also divided into townships. These are six miles square. These townships are divided into school districts. Each school district has officers who govern the school. There are also villages and cities in the state and they, too, have their own kind of government. The law that tells what a village or city may or may not do is called its *charter*.

## I. SCHOOL GOVERNMENT.

**Country School.**—In every country school district there are three school directors. They serve a term of three years, one being elected each year in April. When they meet after election one member is elected president and one clerk. The president presides at the meeting and the clerk keeps a record of what is done. Their business is all done at a meeting of the board, and at least two must be present to do business. When money is to be paid out, the president and clerk, or any two members, sign the order on the treasurer. The board says how much money it must have to run the school, that is, levy a tax. The county clerk figures out how much each man in the district has to pay. The town collector collects this tax and pays it to the school treasurer. The Board hires a teacher



and makes the rules governing the school. Nearly always the Board lets the teacher make the rules. The teacher is the governor in the school-room. In extreme cases, when a pupil must be expelled for very bad conduct, the Board must do this.

When pupils are sensible and want to do what is right, the school government is almost a republic. But when pupils are not disposed to do right, the government becomes a monarchy and the teacher must make the pupils obey. As one of the great purposes of the school is to train children to do what is right, it is much better if the pupils govern themselves, for by so doing they become good citizens. If they have to be made to do right against their will they are likely to grow worse instead of better.

**Township School Government.** — In every township there are elected three school trustees. Their duty is to appoint a school treasurer, who safely keeps the money belonging to all the districts in the township, and pays it out upon the order of the Board of Directors. The trustees form the school districts and change the boundary lines when the people want them changed.

**Township High Schools.** — Each township may be made a high school district by vote of the people. The whole township pays the tax and all the children of the township who are prepared to do high school work may attend free.

**Graded Schools.** — When a school district contains not fewer than one thousand or more than one hundred thousand people it may elect a Board of Education to consist of a President, six members and three additional members for every additional ten thousand inhabitants, provided, however, that in no case shall such Board consist of more than fifteen



members. They may appoint a superintendent, whose business it is to look after all the schools of the district.

**The County Superintendent.** — Each county has a county superintendent of schools, whose business it is to care for the interests of all the schools of the county. He examines applicants who want to teach school. If he finds them prepared to do the work he grants them a certificate to teach. A Board may not employ one who has not a certificate. He visits schools and gives advice and directions to the teachers. He forms the course of study and prepares test questions for promotion and graduation of pupils.

## II. TOWN GOVERNMENT

By a *town* is not meant a village or a city. It is a territory set apart for local government. Many times the town covers the territory of a township. Sometimes it is only a part of a township. At other times it is part of several townships. Many of the towns have a town house or town hall, where elections are held and where officers meet to transact business. Sometimes the most central school-house in the town is used for this purpose.

**The Supervisor.** — The chief officer of the town is the supervisor. His duties are: 1. To receive and pay out all moneys for town expenses, except that for highways. 2. To prosecute all lawsuits for the town. 3. To keep account of all moneys received and paid out. 4. To furnish proper relief to all paupers at the expense of the county. 5. To make a statement to the town clerk before the town meeting of what is due the town and what it owes. 6. To represent the town as a member of the Board of Supervisors at the county seat.

**The Town Clerk.** — 1. This officer keeps a record of what business is transacted by the town at the town meeting. 2. He must deliver to the supervisor a certificate showing for what purposes the town meeting voted money to be raised. 3. He certifies to the county clerk the amount of taxes the town meeting has voted to raise. The county clerk figures out how much of this each man in the town must pay.

**The Assessor.** — The assessor must find out how much property every person in the town has on which he must pay taxes. He places a value on this. The county clerk's figures show how much a man must pay on a dollar's worth of property. If he pays one cent on a dollar's worth, he would pay \$1.00 of tax if his property was valued at \$100; \$10 tax if his property was valued at \$1000.

The assessor receives from the county treasurer a book which contains a description of all the land and the names of the owners in the town. He must then examine the land and say how much it is worth. In another book he records the names of all persons in the town that have personal property, that is, property other than land and buildings, and the value of their property. When he gets these records completed he delivers them to the county treasurer.

**The Town Collector.** — This officer collects the taxes which the people in the town must pay. The county clerk gets the assessor's books from the county treasurer and figures out all the taxes each person must pay. Then he gives the books to the collector and he sees everyone whose name is in the book and collects the amount. He turns the school taxes over to the school treasurer, the road tax over to the highway commissioners, the city tax to the city treasurer and the county

and state taxes to the county treasurer. If taxes on personal property are not paid he may sell the property and keep out the taxes. If taxes on land are not paid, the county treasurer may sell the land for taxes.

**The Board of Highway Commissioners.** — There are three members of this board, one elected each year. One of them is made treasurer and the town clerk keeps the record. The treasurer receives all the money raised for roads and pays it out on orders signed by at least two members of the Board. The Board may establish new roads, vacate old ones, and repair roads and bridges, put up guide posts, cut weeds, provide wells and watering troughs.

**Justice of the Peace.** — This officer is the judge who tries the less important cases. There are two kinds of cases. 1. **Civil Suits** are brought when the dispute is about money. One person may claim that another owes him money. The other claims that he does not owe it. The first one has the justice of the peace bring the second one before him. Then each one brings his witnesses and the judge decides the dispute. What he decides must be done. 2. **Criminal Suits** are brought when one person has injured the person or property of another.

**A Misdemeanor** is an offense which is *not* punishable with imprisonment in the penitentiary or death, but it is punishable with a fine or imprisonment in the county jail. **A Felony** is an offense punishable with imprisonment in the penitentiary or death. **An Assault** is an attempt of a person who is able to do so to do injury to the person of another. **Assault and Battery** is the unlawful beating of a person. A justice of the

peace may try civil cases where the amount in dispute is not more than two hundred dollars.

He may try cases of misdemeanor punishable by fine only and the fine does not exceed two hundred dollars.

When a person is accused of felony, he may be brought before the justice of the peace, and if he is found guilty he is sent to jail to await the action of the Grand Jury. He may avoid imprisonment if he can furnish bail; that is, if he can get a man who has enough property to agree to pay a sum of money if the prisoner does not appear in court when wanted. If the prisoner now runs away, this man must pay the bail.

**The Constable.** — This is the officer who arrests people and brings them into court. If one man sues another the constable goes after the one sued and brings him before the justice of the peace to answer. He also goes out and gets the witnesses that are called for. If a person is accused of crime the constable arrests him and brings him into court and safely keeps the prisoner until he secures bail, or takes him to jail. If the constable sees some one committing a crime, he may arrest him and take him before a justice of the peace. But usually some one enters a complaint to the justice. He then writes out a paper called a *warrant*, which commands the constable to arrest the person against whom the complaint is made.

**The Town Meeting.** — The first Tuesday of April is town meeting day. At eight or nine o'clock in the morning the Town Clerk calls the meeting to order. Every voter in the town may be present and take part. He calls for nominations for moderator, who is elected by *aye* and *no*. The moderator, the supervisor, and the assessor are the judges of the election. A ballot box is provided and voting for town officers begins.



When the votes are counted by the judges, the town clerk announces the result.

At two o'clock all the voters are supposed to meet and the town meeting is held. The moderator presides and the town clerk keeps the record. Now the people decide what the town government shall do. 1. Decide how much money shall be raised by taxation for town purposes, such as constructing and repairing roads and bridges, salaries of officers, and carrying on law suits to which the town is a party. 2. Instruct the officers what to do in case of lawsuits. 3. Offer rewards for destruction of harmful weeds. 4. Make rules as to fences along the highway. 5. Regulate the running at large of stock. 6. Provide for public wells and watering troughs. 7. Provide for promoting the healthfulness of the town. 8. Decide whether road tax shall be paid in labor or money.

Before the close of the meeting the reports of all officers are received and acted upon.

**The Township.**—The township is a tract of land six miles square. It is laid off not for the sake of government but for describing land. By this means any farm in the state may be located on the map when the description is given. The township is divided into thirty-six pieces, each a mile square, called a *section*. Each section is divided into four parts, each containing 160 acres called *quarter sections*. Each quarter section may again be divided into halves containing eighty acres. The half-quarters may again be divided into halves containing forty acres, and these into halves containing twenty acres. Sections are numbered from the northeast section westward to No. 6. Then eastward from 7 to 12, etc. Half sections are either east half, west half, or north half or south half. Quarters are northeast, northwest, southeast and southwest.



**The Principal Meridian.**— In dividing the state into townships the surveyors first established a straight north and south line called the principal meridian. The one from which most

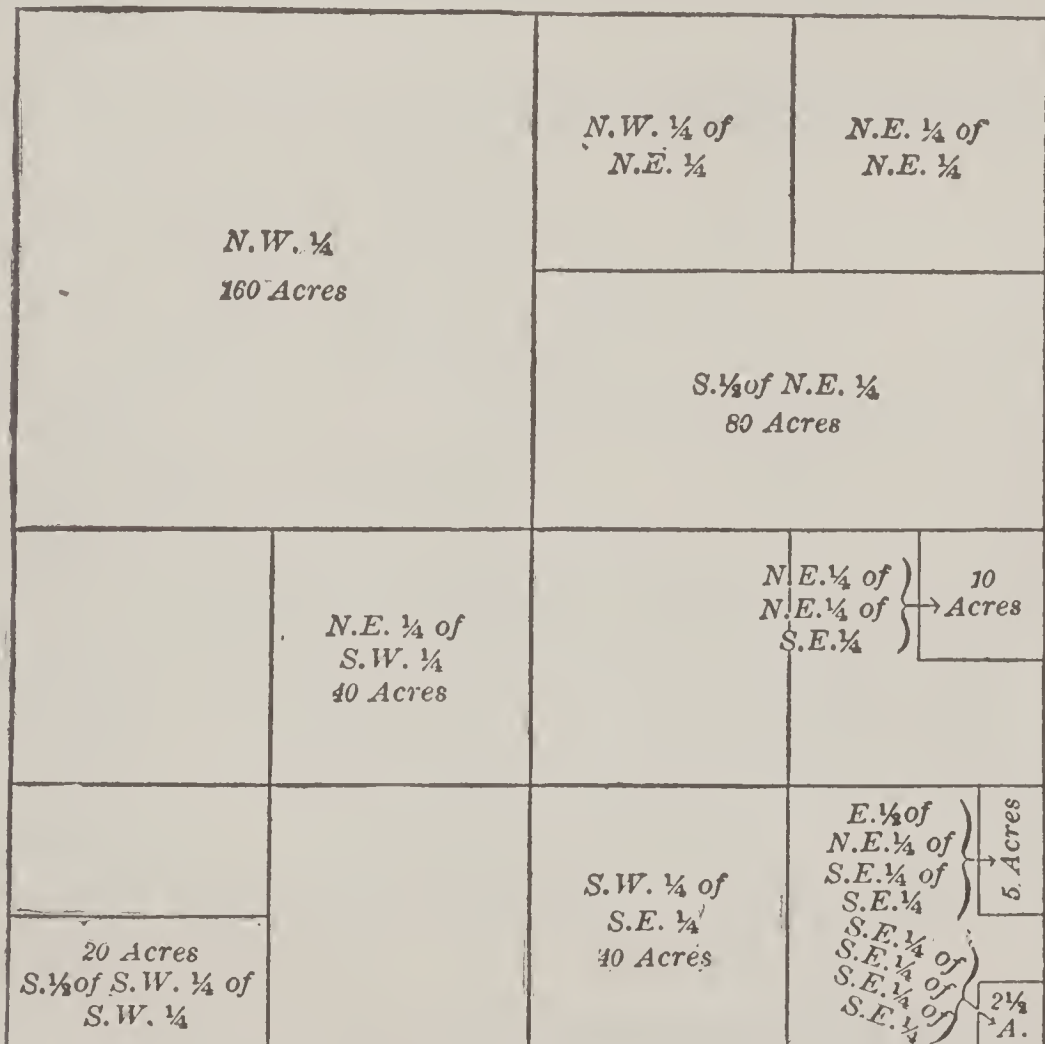
6	5	4	3	2	1
7	8	9	10	11	12
18	17	16	15	14	13
19	20	21	22	23	24
30	29	28	27	26	25
31	32	33	34	35	36

A TOWNSHIP DIVIDED INTO SECTIONS

of the townships in Illinois are described is called the *Third*, and extends straight north from the mouth of the Ohio River.

**Ranges.**— Six miles east or west of the principal meridian a line is run north and south and the strip of land between is called Range 1 east or Range 1 west, as the case may be. Six

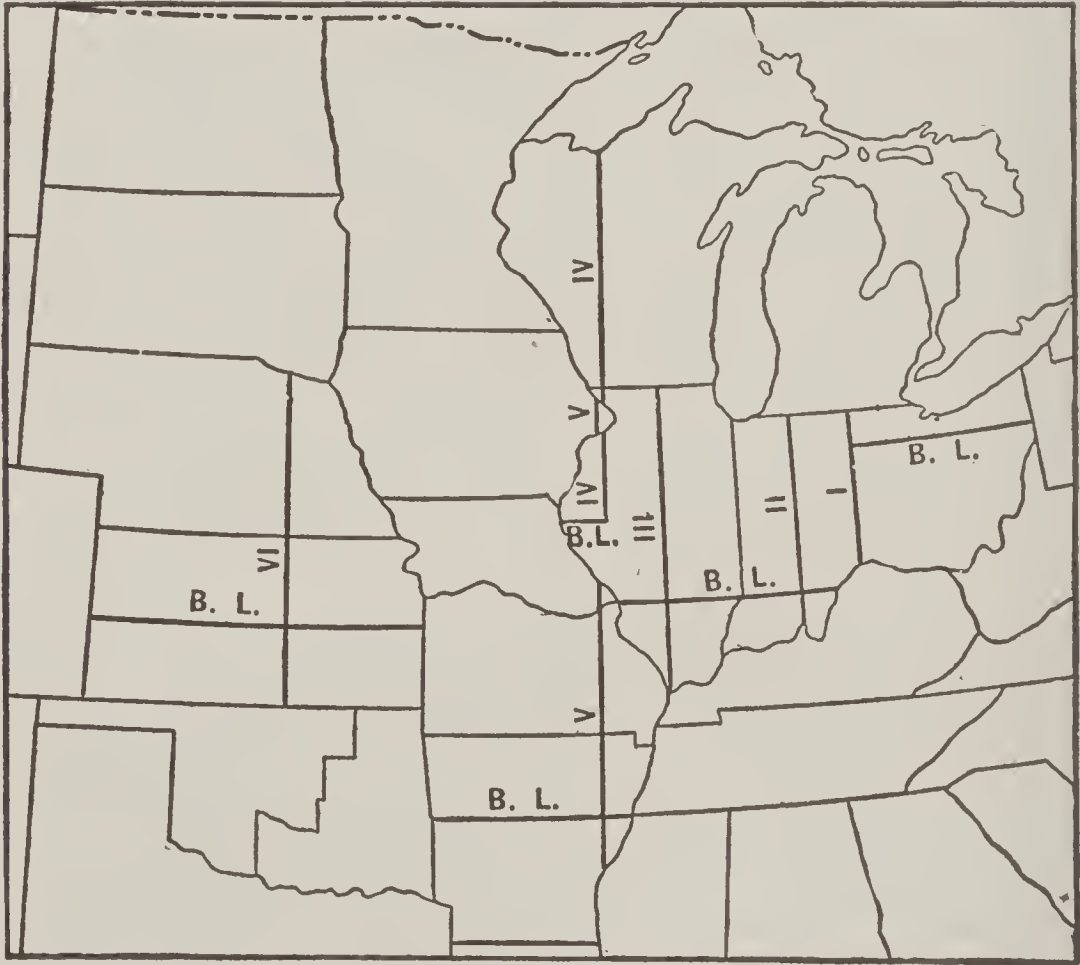
miles east and six miles west of these another line is run, and the strip of land between is Range 2 east, or west, as the case may be, and so on to the east and to the west lines of the state.



A SECTION SUB-DIVIDED

**Base Line.**—Another line is run straight east and west, crossing the principal meridian. This is called the Base Line. Another line is run six miles north or south of this and parallel to the base line. Every six miles north or south another line is run. These and the meridians divide the state into six

mile squares called Townships. The townships are numbered north or south from the base line and the ranges are numbered east or west from the principal meridian. Find township 4 north, range 5 east of the third P. M. Find township 3 north,



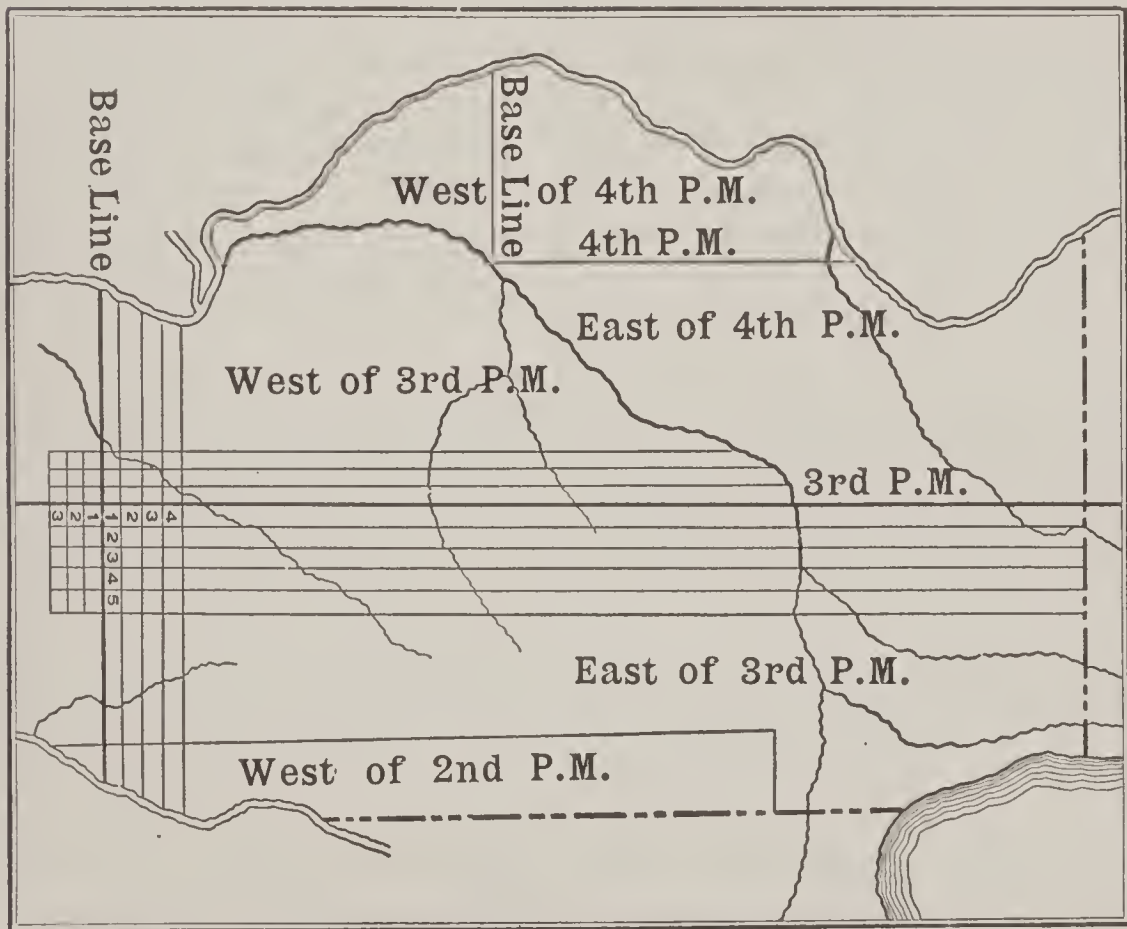
PRINCIPAL MERIDIAN AND BASE LINES

range 3 west of the third P. M. Find township 3 south, range 5 east of the third P. M.

The land west of the Illinois River and west from the third principal meridian from where it crosses the Illinois is described from the fourth principal meridian. A small part of the land

in the eastern part of the state is described from the second principal meridian.

NOTE TO THE TEACHER. You should find out how land is described in your county and drill pupils until they can describe any quarter section in your township.



MERIDIAN BASE LINES AND TOWNSHIP LINES IN ILLINOIS

### III. CITY GOVERNMENT.

**A Village.**—If a village wishes to have a government so that it may do more things than a town can do, it must incorporate, that is, it must apply to the secretary of state for a

charter. The charter is a document which tells what the village may do and may not do in governing itself. Whatever the officers of the village require the people to do that is not contrary to the charter, they must do. The village elects six trustees. These are the law making body. The president of the village Board of Trustees is the law enforcing officer or executive. A village clerk is elected, but the treasurer, street commissioner, and constable are appointed by the Board.

**The City.**—A city is divided into wards, each containing about the same number of inhabitants. In each ward two aldermen are elected, one each year and serving two years. The aldermen constitute the **City Council**. This is the legislative part of the government.

**The Mayor** is elected and presides at the meetings of the council and is the executive part of the government.

City laws are called *ordinances* and are made to be in harmony with the charter.

**The City Clerk** is elected, must attend the meetings of the council and keep a record of its proceedings and of the ordinances passed by the council.

**The City Treasurer** safely keeps the money of the city government and pays it out on orders issued by the council.

**The Police Court.**—Cities elect a judge called the Police Magistrate. He tries cases brought for violation of the city ordinances. He may also try any cases which a justice of the peace may try.

**City Attorney.**—This is the lawyer for the city. He prosecutes offenders against the city ordinances, represents



the city in any lawsuits it may be a party to, and gives legal advice to the council.

**The Marshal.**—The marshal keeps the peace of the city, arrests offenders against the laws, and is at the head of the police force.

**Policemen.**—The policemen assist the marshal in keeping the peace. It is their business to see that people do no wrong, as well as to arrest them after they have committed offenses.

**The Work of the City Government.**—Where so many people live together there is much work to do in the government of the people.

The streets and sidewalks must be provided and cared for more than is necessary in the country. City governments often manage the water supply, the lighting of the city, keep a fire department, look after the healthfulness of the city. There must be a great deal of cleaning up. Sewers for the drainage of the city must be provided. The sale of injurious articles, like intoxicants and tobacco, must be regulated. For this reason a special form of government that will enable the people to do these things is necessary.

#### IV. COUNTY GOVERNMENT.

In the governments which we have been studying the people of small communities do those things that are for the good of all that concerns them in their everyday living.

Now we come to a larger territory which embraces more people. There are things that can be better done where a large number of people work together.

The state is divided into 102 counties. Some of them are

small, and others as large as the state of Rhode Island. There are two kinds of government in these counties. In the southern part of the state the early settlers came from Virginia and other southern states. They liked best the county system which was used in their native states. The early settlers in the northern part came from the eastern states and they liked best the town system of New England. When the counties were organized the people chose the kind of government which suited them best.

**The Board of Supervisors.**—In the town government you learned of the supervisor. The supervisors from all the towns in the county meet at the county seat four times a year. These constitute the Board of Supervisors. At their first meeting after the election in April they elect one of their number chairman, and the county clerk acts as secretary of the Board. The Board is then ready for business.

**Committees.**—The first business is for the chairman to appoint committees to attend to particular work, as it would be difficult for all the members, sometimes fifty in number, to attend to all the business. There is usually a Pauper Committee, the duty of which is to take charge of all the business that has to do with the care of the poor and insane of the county. The committee is expected to recommend someone to be superintendent of the county infirmary and poor farm. This committee inspect all bills against the county for work done and supplies furnished to the poor of the county. What they recommend to the Board is usually done, though it may not be done if a majority of the Board does not favor it.

There are committees to settle with the various county officers. The committee to settle with the county treasurer

examines that officer's books to see that the business is done honestly and properly. If he needs a clerk he asks the committee for one. The committee recommends that the Board employ one. Then the Board takes a vote on it. This places checks on the county officers and keeps them from neglecting the business of their offices or doing what they ought not to do.

**Powers and Duties.**—Their meetings must be open to the public.

Must publish the proceedings of the Board in some county paper.

Must provide and care for public buildings necessary for the county. These are usually a court house, a jail, and an infirmary for the poor.

Must provide books and stationery and help for the county offices.

Must publish at the end of each year an itemized statement of the receipts and expenditures.

Must prosecute those who are guilty of wrong doing in the county and must take steps to defend the county when it is sued.

Must fix the salaries of county officers and pay the same. The salary of a county officer may not be changed during the term for which he was elected. Can you see a reason for this provision? The salary of the county superintendent of school is fixed by the state, but the Board may pay him in addition and pay for the help which he may need.

Must levy the taxes necessary to pay county expenses. You will take note that each kind of government levies the taxes which it needs, the school, the town, the city, the county, and the state.

Must select those who are to serve on the grand jury.

Must select persons to serve on the petit juries. Each supervisor hands in the names of one-tenth of the legal voters of his town whom he thinks are fit persons to serve on petit juries. The county clerk places each name on a separate card and places them all in a box. Twenty days before a trial court meets, he shakes up the names in the box and draws, without seeing them, as many as are needed. The persons whose names are drawn must serve on the jury unless excused by the court.

### County Offices.

**The County Clerk.**—The duties of this officer are so numerous that we can give only the principal ones.

He has the care of all the books and papers belonging to the Board of Supervisors.

He is the custodian of the bonds of the county officers.

He issues marriage licenses and marriage certificates and keeps a record of them.

He records the births and deaths of the county.

He keeps an alphabetical index of all papers in his custody that they may be readily found.

He attends the sessions of the county court and keeps a complete record of what is done.

He issues warrants for the payment of county funds. In the payment of county money, the Board of Supervisors first authorizes the county clerk to draw a warrant for the amount. This is presented to the treasurer, who pays the money. Three parties have to pass on it every time money is paid out. This makes dishonesty difficult.

In the assessor's books which the county clerk gets from the



county treasurer, he has a list of all persons in the county who own property. From the various taxing bodies, such as school boards, town officers, county and state, he learns how much money must be raised by taxation. He now calculates how much each person will have to pay and records it after his name. These books are handed to the town collectors, who collect the amounts.

He issues the ballots, poll books, and supplies for elections to the supervisor of each town.

When the elections have been held, he receives the ballots from the supervisors, and together with two justices of the peace, he makes the official count and keeps a record of the same. He keeps the ballots for a time and in case of a contest of an election they may be recounted and the contest settled.

**The Sheriff.**—The sheriff's duties are:

To keep the peace of the county. If he sees anyone breaking the laws he may arrest him without a warrant and bring him before the court for trial. Usually he does not arrest people without an order from a court.

He has charge of the court house and jail. He safely keeps the prisoners and boards them. If a prisoner is sentenced to the penitentiary or reformatory he conveys him to these places. If one is sentenced to death the sheriff executes him.

He attends the sessions of the county and circuit court. He opens and adjourns court, keeps order under the direction of the judge. He obeys the orders of the court pertaining to his office. Some of the things which he does are: 1. Serves *warrants*, that is, arrests people by order of the court. 2. Serves *summons*, that is, brings into court anyone called for by the judge to answer to the charge made by the one named in the



summons. 3. Serves *subpœnas*, that is, a command to appear in court as a witness. 4. Serves *executions*, that is, carrying the judgment of the court into effect, such as selling the property of a person to pay a debt for which he was sued and judgment rendered against him.

The sheriff is furnished enough assistants to do the work at ordinary times, but in case of riot, that is, when a great many people combine to resist the law, he may call on all able-bodied citizens to help him and they are obliged to assist. If then he cannot restore order he may call on the governor of the state for the militia. If the governor is unable to restore order with the militia he may call on the President of the United States for troops from the regular army. If the President is unable to restore order with the regular army and the militia, he may raise an army of volunteers or draft all able-bodied men into service.

This gives us a clear idea of how people can be made to obey the laws. All these officers whose business it is to see that the laws are obeyed are *executive* officers.

**The County Treasurer.**—The county treasurer must safely keep and pay out, as directed by law, all public money which comes into his hands. He does not receive all the money raised by taxes, for some of it is paid direct to the officer to whom it belongs, such as school treasurer and road commissioner, by the collector. But the collector hands the treasurer the receipts of these officers and that is the same as cash.

He keeps a complete record of all business transacted by him and this is open to inspection by the public and is checked up and passed on by the Board of Supervisors twice a year. The report of the Board is filed with the county clerk.

The treasurer is also **Supervisor of Assessments**.—He calls together the town assessors, delivers to them the books and blanks which they need, and instructs them in their duties.

When the assessors return the books to him, having placed a value on all the property listed, the treasurer may change any assessment as he deems proper. If a tax payer thinks his assessment is too high or low, he can go before the supervisor of assessments and seek redress.

Before the second Monday in July the supervisor of assessments turns the assessors' books over to the

**Board of Review**.—This Board consists of the chairman of the Board of Supervisors and two citizens whom the county judge appoints. They change the assessments as they think proper. Here again a tax payer may seek relief if he has been unjustly assessed.

If any one thinks some one else has been assessed too low, he may notify the Board of Review and have an investigation made.

The Board also tries to find property which has escaped assessment.

The county treasurer collects all taxes on railroads as well as that which was not paid to the collectors. If the taxes on real estate (land) has not been paid, he sells enough of the land to pay the taxes.

**The Surveyor**.—It is the duty of the surveyor to measure, describe, and fix the boundaries of lands of those who call upon him to do so. A record of it is kept and may be placed upon the books of the Recorder of Deeds. He is paid by the party who secures his services.

**The County Superintendent of Schools.**—He is really an officer of the state, for he is paid by the state out of the school funds belonging to the county. But his territory is the county, and he is responsible to the Board of Supervisors the same as other county officers, and they furnish him office supplies and assistants. Some of his duties are: 1. To visit the schools. Give the Boards of Directors and the teachers such advice and instruction as he deems necessary. 2. He examines applicants for teachers' certificates and grants them to those he finds qualified. 3. He holds annually a teachers' institute and other meetings for the instruction of teachers. 4. He examines the books of the township treasurers, gives instruction how to keep them and reports irregularities to the Boards of Trustees. 5. He inspects and approves and safely keeps the bonds of township treasurers. 6. Each year he receives the school money paid by the state to the county and distributes this to the township treasurers as required by law. 7. From the records of his office and the reports from the Boards of Trustees he makes an annual report to the State Superintendent of Public Instruction of the moneys received and expended, the number of schools and teachers, and the attendance of pupils. 8. He collects a fee of \$1.00 from every applicant for a teacher's certificate, and with this fund he pays for the teachers' institute.

**The Recorder of Deeds.**—His duty is to keep a record of all deeds, mortgages and other papers which show title to land. These records are of great value. A deed is a paper showing that a piece of land belongs to the holder. If it be lost the books of the recorder still show his title and he can get a copy.

A *mortgage* is a paper which shows that the holder has loaned

money to the owner of the land, who cannot give a good title until the mortgage is paid. If the borrowed money is not paid when due, the land is sold by an officer and the mortgage is paid off. What is not required for this and the expenses is turned over to the owner.

From the recorder's book a complete history of a piece of land may be obtained. This is called an *abstract of title*. Before one buys a piece of land he should secure an abstract that he may know whether his title is good or faulty.

**Judicial Department.**—The county officers which we have studied are executive, for their duty is to enforce the law. Now we come to another kind. They are called *judicial*, for they explain the law and decide whether it has been violated by persons accused of so doing.

**The County Judge.**—The county judge constitutes the county court. A court is said to have jurisdiction when it has a right by law to try a case. It has exclusive jurisdiction in all suits to sell real estate for taxes. In civil cases it has jurisdiction in all cases where the amount in dispute is not more than \$1000. In criminal cases it has jurisdiction in cases in which the punishment is not imprisonment in the penitentiary or death.

If one is not satisfied with the decision of the county court, he may appeal to the circuit court. That is, he may have the case tried again in a higher court. It has appellate jurisdiction in cases tried before a justice of the peace.

**The Probate Judge.**—The probate judge has charge of all matters that pertain to the settlement of estates of people who have died. Only a few counties have a probate court.



The probate business in most of the counties is so small that the county court acts in probate matters.

If a deceased person owning property has left a will, the same is filed in the probate court. The judge then sees to it that the law is complied with. If the will was properly made by one qualified to make it, the court sees to it that everyone concerned gets his rights under the law.

If the will is contrary to law the court sets it aside and divides property according to law. If there are heirs under twenty-one years of age, the court appoints a guardian. It is the duty of the guardian to manage the property for the minor and give a strict account of his trust to the judge. If he loses the property entrusted to him he must pay the heirs. If there are no minor heirs an administrator is appointed. His duty is to manage the property until it has been divided among the heirs as provided by the will.

In cases of insane persons or one incapable of managing his property, the court appoints a conservator, whose business it is to manage the property and report to the court.

**The Probate Clerk.**—Counties having a probate judge also have a probate clerk. His business is to keep the books, papers, and records of the probate court. In small counties the county clerk attends to this.

**The States Attorney.**—The states attorney is the lawyer for the county. It is his duty to have all offenders against the criminal law arrested and brought into court for trial. He assists the grand jury in its investigations. He prosecutes criminals, that is, he tries to secure their conviction and punishment.

If a man has been robbed or otherwise wronged, he makes



complaint to the states attorney and gives him all the facts in his power that will lead to the detection of the criminal. The states attorney secures his arrest and indictment by the grand jury and conviction in court. The county and not the complainant pays the cost.

He defends the county in case it is sued, and is also the legal adviser of county officers and justices in their official duties

**The Coroner.**—If any one has died in an unknown way it is the duty of the coroner to call a jury, before which he examines witnesses to determine whether the death was from natural causes, accident or violence. If death resulted from an accident the jury tries to fix the blame. If it is a case of murder the coroner tries to secure the arrest of the criminal.

If the sheriff's office becomes vacant, or the sheriff is personally interested in a suit in court, the coroner acts as sheriff.

## · Juries

**Grand Jury.**—In the olden times, when our ancestors lived in clans and tribes, their method of trying one accused of crime was to call good men to hear the evidence and decide the case. We still keep this method. The grand jury is a body of twenty-three men selected by the County Board of Supervisors, whose duty it is to meet and behind closed doors hear all complaints of crimes committed. Witnesses are called and sworn to tell the truth. But these are all on the side of the accuser. The witnesses for the accused are not called, indeed, the accused may not know that a case has been brought against him. It is not the business of the grand jury to try the case. It only examines into the case, and if there is evidence enough to

satisfy a majority of the jury that a crime may have been committed by a certain person, it finds a true bill against him. That is, it charges the accused with the crime and has him arrested and confined in jail to await trial by the court. An *indictment* is the paper which names the person, states what the crime is, and when and where it was committed. It also gives the names of the witnesses against him.

It may be noted that an entirely innocent man may be indicted, but he has an opportunity to prove his innocence in court.

**The Petit Jury** is a body of twelve men whose duty it is to sit in court and hear the evidence on both sides of a case and also what the lawyers on both sides have to say for their clients. When they have done this the judge instructs them what the law is in this case. The jury then retire to a room and talk over the case among themselves. They prepare their verdict. To convict or acquit, they must all agree to it. If they cannot all agree to one or the other they so report to the judge, who dismisses them. Then the case must be tried again before another jury.

**A Plaintiff** is the man who accuses another in court. **The Defendant** is the man who is accused.

**Duties of a Judge.**—When a case is tried by a jury the judge presides at the trial and sees to it that both plaintiff and defendant have a fair trial. The lawyer of each side tries to win the case and will do everything he can to influence the jury to decide in his favor. Often a lawyer will bring matters before the jury that the law does not allow. The judge stops him. He may try to make a witness say things he has no

right to say. The judge is there to prevent this. A lawyer may try to make the jury believe the law is different from what it really is. The judge prevents him from doing so.

When a case is tried without a jury the judge sees to it that the case is properly tried and also hears the evidence and decides the case.

Prisoners are kept safe in a building for that purpose called the *jail*. Here they are kept while they are waiting for the court to try their cases. The jail is also used as a place of punishment after the prisoner has been convicted.

**How the Poor are Cared for.**—There are poor people who need help who would better stay in their homes. The supervisor supplies them with what they need and the county pays for it. There are others that are better off where there is some one to care for them. The county provides an infirmary or poor house. This is usually on a farm, and some of the inmates are able to do some of the work in raising most of the food. Others can help with the work of the house. Those who are not able to do any work at all are cared for by attendants.

By many it is thought to be a disgrace to go to the poor-house. It is so in the case of a person who has been able to do so but did not work and save enough to keep himself in his old age. But there are many who have been overtaken by sickness and calamity, and in their helplessness can no longer provide for themselves and have no relatives or friends who will do so. Old age overtakes some people who are without friends or means and it is no fault of their own. It is right that the people who are prosperous should pay the little to keep the unfortunate in comfort.

**The Insane.**—When a person has become insane he is brought into the county court, a jury is called, evidence is heard and a verdict is brought in. The county takes care of some of the insane at the poorhouse. Others are sent to hospitals and the best means are used to cure them. When cured they are set free and sent home.

If the relatives are able to do so, they are required to pay. If they are not able the county and state pay the bill.

**County Organization.**—When a county is governed under county organization there are three county commissioners instead of the Board of Supervisors. This Board has the same duties and powers as the Board of Supervisors. Since there are no towns in these counties, there is no town government. The work done at town meetings is done by the county commissioners.

The county is divided into election precincts by the commissioners. While under township organization the elections are held in the towns. In a similar manner the county is divided into highway districts. Assessments are made and the taxes are collected by one of the county officers.

It will be noted that under township organization the people have more to say in local government. Under county organization local government is less expensive. There are nineteen counties under county organization. Cook County has a county government suitable to the big city of Chicago. There are fifteen county commissioners. Eighty-two counties have the township system.

**Elections.**—Elections are held in the towns in April of every year for the election of town, city and school officers. General elections are held in November every two years. The year that



a president of the United States is elected is called a presidential year. The election two years after is said to occur in the "off year." At these general elections county, state and United States officials are elected.

**Voters.**—The law permits only men, native-born or naturalized, over twenty-one years of age, who are not idiots, insane or criminals, to vote for officers named in the state constitution. Women over twenty-one years of age, who are citizens and who meet the residence requirements, may vote for presidential electors, members of the state board of equalization, trustees of the state university, clerk of the appellate court, county surveyor, members of the board of assessors, members of the board of review, sanitary district trustees, school trustees, school directors, and for all officers of cities, villages and towns (except police magistrates) and upon all questions or propositions submitted to a vote of the electors of such municipalities or other political divisions of the state.

**Judges and Clerks of Elections.**—At every election there is a certain number of men chosen to act as judges. At the voting place they see that the election is conducted according to law and that everything is fair and honest. They count the votes after the polls are closed. Several men are chosen to act as clerks. They do the necessary writing.

The poll book is a blank sheet of paper on which the name of everyone who votes is written by the clerks. One of the judges gives the voter a ballot, that is, a paper on which are the names of the people to be voted for, or on which he may write the name of the man he wishes to vote for. After he has prepared his ballot he hands it to another judge, who calls out the name of the voter that the clerk may write



it in the poll book, and then the judge puts the ballot in the ballot box. This is a box securely locked and having a slot in the lid just large enough to admit the ballot.

After the polls are closed, that is, after the privilege of voting is ended, the judges and clerks count the ballots and keep a record and make out the papers required by law to show that the election was properly held and the result of the same.

## V. STATE GOVERNMENT

We have now studied two kinds of government, town and county. These have to do with public affairs that are close to the people and which the people can attend to themselves. In the town the people themselves meet and decide what shall be done. In the county one man or more goes from each town to the county seat to help decide what shall be done. All the people in the town may know the supervisor and tell him what they want done. Then a large number of people know the county officers and can express their wishes. Where the government is not carried on by the people themselves, they are close enough to their representatives to have much to say in public matters.

But there are some things for the public welfare that can be attended to by a few men for a much larger number of people than is found in a county. To meet this condition the state government has been created.

**The Constitution.**—The people cannot attend to these large affairs themselves; there are too many people. The plan is for the people to choose men in whom they have confidence to attend to these affairs for them. If they fail to do what the people like, they are not elected when their term of office expires. But it would not be safe to let the representa-

tives of the people guess at what the people want. Nor would it be best for the officials, the representatives of the people, to be dependent on the likes and dislikes of the people, for the people may change their opinions, and that very foolishly sometimes.

The people, therefore, have written down as nearly as they can how they want their representatives to carry on the government. This instrument is called the constitution of Illinois. It is the supreme law of the state. No law may be passed which is forbidden by the constitution. It states what the offices shall be and the work that each shall do, and what the rights of the people are. There are some things that the people know they do not want done. These are mentioned in the constitution. Every officer is required, before he enters upon his duties, to take an oath that he will support the constitution.

The constitution cannot contain all the laws that the people need, nor can it name all the officials which will be needed and just what they are to do. So the constitution states that the peoples' representatives may make the laws that are necessary to secure the things the people need that are not mentioned in the constitution, but none of these laws may conflict with the constitution.

The state government does not do all that needs to be done by government. There is still the United States that attends to many things which are forbidden to the state. The state makes the laws about the education of the people; about voting; about marriage; the rights of husband and wife, parent and child; master and servant; principal and agent; partnership; debts; insurance; corporations; and crimes against persons and property. From this you learn that the state government has to do with our conduct toward each other in our daily living.

The state cannot enter into treaties with other states or nations. It cannot make laws about money or carry on war. Nor can it make laws against other states. It is subordinate to the United States in this, that it must make no laws that conflict with the constitution, laws and treaties of the United States. All the principal officials must make oath that they will support the Constitution of the United States. Living up to this oath prevents them from obeying the state laws when they conflict with those of the United States.

The constitution of Illinois provides for three departments of government, legislative, executive and judicial.

The chief work of the legislative department is to make the laws. It does other things, such as appropriating the public money for the purpose for which it is to be used, but the making of laws is its chief work.

Not only are new laws needed in the course of time, but old laws need to be done away with or changed. Every two years this department meets and spends from four to five months in doing its work.

### **Legislative Department.**

**The General Assembly.**—The legislative department is vested in the general assembly often called the legislature. It is composed of two branches. One body of men is called the House of Representatives and the other the Senate. The House is supposed to be closer to the people and the Senate is supposed to be composed of abler men of longer experience in law making.

This is the way a law is made. Any member who wishes may write what he thinks the law should be. This is called a bill. When he is given the privilege of handing in his bill, we say

he has introduced a bill. It is then read the first time and the presiding officer orders the bill to be sent to the proper committee. This committee may change the bill if they see fit and then report it to the house in which it originated. It is then read the second time and is discussed by the members. Changes or amendments may be made by a majority vote. It is read a third time and debated. If it receives a majority at this reading it is passed and is sent to the other house of the General Assembly. It goes through the same process there and is sent to the governor. If he signs it, the bill becomes a law. It may be defeated by a failure to receive the sanction of either house or the governor.

A committee may refuse to report a bill. It is then said to be killed in the committee.

Even if the governor vetoes a bill it may become a law if two-thirds of each house afterwards vote for it.

The General Assembly has the power to choose a United States senator. If a candidate receives a majority in both houses he is elected. If he fails to receive a majority in one house, the two houses meet together and take a vote. If a majority of the General Assembly in joint session votes for the candidate, he is elected.

The General Assembly meets at the capitol every two years in January, after the election in November. The meetings come in the odd numbered years, as, 1913–1915.

**The Senate.**—The state is divided into fifty-one senatorial districts numbered from 1 to 51, each containing about the same number of people. Outside the city of Chicago they comprise one or more counties. One senator is elected from each district for a term of four years. In the odd numbered



districts they are elected in presidential years. In the even numbered districts they are elected two years after. So every session of the General Assembly the Senate is composed of members one-half of whom have had at least two years' experience as senator.

The Lieutenant Governor is the presiding officer, but has a vote only when the vote of the Senate is a tie.

The chief work of the Senate is to help make the laws. But besides this it has the power to approve or disapprove the appointment of men to office by the governor not filled by election or otherwise. When the Senate disapproves the governor's appointment by a majority vote, he must nominate someone else.

**The House of Representatives.**—The House is composed of three men from each senatorial district. This makes 153 members. They are all elected at the same time for a term of two years.

**Minority Representation.**—Illinois has an unusual method of electing representatives. It is possible to elect senators who are all Republicans if the Republicans are in majority in every district. But this is not true with the House.

This is the way it works. Each voter has three votes for representative. As there are three to be elected from a district a voter may cast a vote for three men, or one and one-half votes for each of two men, or two votes for one and one for the other, or three votes for one man.

A political party never nominates three men for representatives, for by so doing it would divide its votes so that it might lose two or all its candidates. Each of the strong parties nominate two candidates. The party that has the most votes



may elect its two men. The party with the smaller vote is sure to elect one. This results in the weaker party having at least one member from each district. Thus you see the minority is represented even if the state is overwhelmingly for one party.

This method gives even a third political party a chance to elect a candidate in some of the districts. The third party nominates only one man. Each voter casts three votes for him. As the second party divided its votes between two candidates, the third party candidate may get the most votes, because he gets three votes from every voter of his party.

The presiding officer of the House is called the Speaker and is elected by the members from among themselves. The Speaker is much more powerful in the House than the lieutenant governor is in the Senate. He appoints all committees and he has the power to make things go his way.

Other officers are chosen who, however, are not members of the House. There are several clerks who keep the records; a door-keeper, who acts as policeman; a postmaster; an engrossing clerk who writes out the bills in good form before they are sent to the governor.

### **Executive Department.**

In the government of the United States it was thought best to entrust the enforcement of the laws to one man, the President. Of course one man cannot do the work alone. He must have thousands of people to help him, but if they are responsible to him for what they do, he is in reality the executive.

In our state government the executive work is distributed among a number of officials. The governor is the chief executive for he has the most important executive duties to perform and he has some supervision over the others. The executive func-

tion is vested in the governor, lieutenant governor, secretary of state, auditor of public accounts, treasurer, superintendent of public instruction, and attorney-general.

These are elected by the people for a term of four years, except the treasurer, who is elected for two years and may not succeed himself. The superintendent of public instruction is elected in off years. There is also a treasurer elected at this time. The others are elected in presidential years.

Each executive officer appoints his subordinates. Some of the governor's appointments must be confirmed by the Senate.

**The Governor.**—The governor is the chief executive and his duty is to see to it that the laws of the state are faithfully executed.

**Message.**—At the beginning of each session the governor sends to the General Assembly a message in which he gives such information about the condition of the affairs of the state as will be most helpful in the making of laws. He recommends laws that he thinks ought to be enacted. He gives a complete report of the money received and paid out by him according to law.

He also tells the Assembly what amount of money ought to be raised by taxation to pay the expenses of the state until the Assembly meets again.

The governor has power to call the General Assembly to meet in extra session if he thinks such a meeting is necessary to the best interests of the state. If the two Houses cannot agree upon a date to adjourn, the governor can name the day. There are certain officers which he can appoint only with the consent of the Senate, and he may remove them and appoint others. If a person has been convicted of a crime the governor

may do several things; first, he may grant him a reprieve, that is, put off the punishment for a time, so that the person may get evidence that will give him a new trial; second, he may commute a sentence, that is, make the punishment less severe than the court did; third, he may pardon him, that is, set him free. You understand that even courts may make a mistake. It is well to have someone who can rectify it. Suppose a man had been convicted of a crime by his enemies swearing falsely in court, and sent to the penitentiary. It was then found that he was innocent. The governor can pardon him. Can you think of other cases where it would be right to pardon one convicted of crime?

Making laws is an important work and should be done with great care. A great many people may suffer from a bad law. We require a bill to pass both Houses of the General Assembly. But to be still more careful we require the governor to examine it after it has passed both Houses. If he thinks it will be a good law he signs the bill, and it becomes a law. If he thinks it will be a bad law, he sends it back to the house where it originated and states what his objections are. We say he vetoes the bill, he says no. If now two-thirds of each House votes for the bill it becomes a law anyway.

The governor is commander-in-chief of the militia. The chief officers are appointed by him: the minor ones are elected by the troops. These soldiers live at home and are engaged in business the same as anyone else. Companies are formed only in the larger cities. They usually meet evenings to drill. It is only when they are called out by the governor for duty that they leave home. If a foe were to invade the state the governor would call out the militia to repel the invaders. If the laws are openly violated by so large a number that the local

authorities cannot stop them, the sheriff calls on the governor for assistance. He calls out a part of the militia to restore order. If the governor is not able by these means to restore order, he may call on the President of the United States for the regular troops. Thus you see that the governor may make the people obey the laws either by arresting them and having them punished by the courts, or he may have his soldiers capture them or even kill them when necessary in case of open rebellion. Who is governor now?

**The Lieutenant-Governor.**—This official is elected to take the place of the governor in case of vacancy. If the governor is temporarily absent from the state, the lieutenant-governor acts in his stead until his return.

By virtue of his office he is also president of the Senate. He has no vote except to break a tie. He need not reside at the capital as the other executive officers do, but may engage in private business.

**The Secretary of State.**—This official has a great many duties to perform and we can mention only a few of them. He takes care of the State House and grounds. Repairs, heating, janitors must be supervised by him. All supplies, such as blank books, ink, pens, pencils, paper and other supplies for the offices and the General Assembly are in his care, and are given out by him. He keeps the record of the official acts of the governor. Affixes the great seal of the state to all commissions issued by the governor. All acts, laws and resolutions of the General Assembly are in his keeping.

**The Auditor of Public Accounts.**—This official is really the book-keeper of the state. He keeps the accounts of all the



business transacted by the state with the United States, other states, public officials, corporations and private citizens. He examines all claims or bills presented for payment by the state and decides whether they can properly be paid out of the public funds. Suppose a person has done work for the state. He takes his bill to the auditor. If he finds that the person was employed to do the work, that the work was done satisfactorily and that money was appropriated by the General Assembly for this purpose, he then makes a record of the claim and issues an order on the treasurer to pay the amount. This order, called a warrant, is presented to the treasurer, who pays it and makes a record of it. The auditor can order no bill paid unless the General Assembly has first authorized the expenditure of money for the purpose. The treasurer can pay no money out except on a warrant of the auditor. Before the treasurer can receive any money he must have an order from the auditor to do so. In this way the books of the auditor and the treasurer must agree both as to money received and paid out.

The General Assembly fixes the amount of money to be raised by taxation. In this it is guided by the estimates given in the governor's message. The auditor knows the assessed valuation of the property of the state. From these facts he can find the rate per cent of the tax. The county clerk in each county uses this rate in finding out what each person must pay for state taxes.

**The State Treasurer.**—The treasurer receives, safely keeps and pays out the money of the state. Every month he reports to the auditor what he has received and paid out. The auditor has the same accounts in his books and thus he can readily tell whether the treasurer's accounts are correct.



Any mistake or dishonesty on the part of the treasurer would be discovered by the auditor.

The treasurer is required to give a good and sufficient bond of \$500,000. In case he loses any of the state's money the bondsmen must pay it to the state.

**Superintendent of Public Instruction.**—This official is at the head of the public schools of the state. His duties are to counsel and advise with school teachers as to the best manner of conducting schools; to supervise all the common and public schools of the state; to advise and assist the county superintendents of the state. Every two years he issues a report informing the governor and the General Assembly as to the conditions and needs of public education. He holds examinations for and grants state certificates to teach.

**The Attorney-General.**—The attorney-general is the lawyer for the state. The state officials may not be lawyers and often need expert legal advice in the performance of their duties. They can call upon the attorney-general.

He represents the state in court in all cases in which it is a party, either to defend the state or to prosecute offenders against the laws of the state.

**Other Executive Functions.**—We have now studied the duties performed by the executive officers at the capital. But there is much to do in other parts of the state, chiefly in places where the state institutions are located. The officials who manage the work of these institutions are appointed by the governor. They are responsible to him and he is responsible for what they do. Usually a Board of Trustees is appointed by the governor to have the management of the institution.

They have the management and appoint the superintendent and the minor employees. The governor expresses his wishes as to how he desires the institution managed and the trustees regard his wishes. These institutions are divided into several classes.

### **Educational Institutions.**

The public schools of the state, as we have learned, are managed by the local Boards of Directors elected by the people. The people in the immediate community pay the taxes and send the children. It is right that they should have the management in a large measure. But the state maintains higher schools and pays for them with the state money. The governor is responsible for the manner in which they are conducted.

**The University of Illinois.**—There are in Illinois many colleges and universities under the control of private corporations or churches. Yet Illinois provides a first class university for the free instruction and training of her youth. Here both men and women may learn the things that will make them most useful to the world. It is located at Urbana in Champaign County. The trustees are elected by the people as the other state officials are elected. The governor, the president of the State Board of Agriculture and the superintendent of public instruction are *ex-officio* members. The University has a large fund obtained by the sale of land which was given to it by the United States government. This is loaned out and the interest applied to paying the expenses of the University. When more is needed the General Assembly appropriates it out of the taxes of the state.

**The State Normal University.**—To prepare teachers for

the public schools of the state five normal schools were established and are maintained by the state. Instruction is free. The first one was established at Normal in McLean County. It is managed by a Board of fifteen trustees appointed by the governor.

**The Southern Illinois Normal University.**—This school is at Carbondale in Jackson County, and is managed by a Board of five trustees appointed by the governor.

**The Northern Illinois State Normal School.**—This school is at De Kalb in DeKalb County, and is managed by a Board of five trustees appointed by the governor.

**The Eastern State Normal School.**—This is located at Charleston in Coles County. It also is controlled by a Board of five trustees appointed by the governor.

**The Western State Normal School.**—This is located at Macomb in McDonough County, and is managed by a Board of five trustees appointed by the governor.

These schools are all supported by the state and only a very small amount is paid by the students who attend.

**The Farmers' Institute.**—It was thought that if farmers could be interested in better ways of farming brought about by new knowledge, the state would be better off. The General Assembly appropriates an amount of money so that each county will have enough to pay some of the expenses.

Each county has an institute which meets once a year in a two or three day meeting. Speakers from the Agricultural College of the State University and other expert farmers give instruction. Each county sends three delegates to the State

Institute held once a year. The Institute is managed by a Board of twenty-seven directors elected by the State Institute. It publishes a volume for free distribution of great value to the farmers.

### **Charitable Institutions.**

You have learned that the aged and infirm who cannot support themselves are cared for by the county. There are a few in every county and a great many in the whole state who need more than food and shelter. Such are the insane, the feeble-minded, the deaf, the blind and other unfortunates.

**The Hospital for the Insane.**—There are a great many insane in the state and ample provision is made for their treatment. Many become cured and return to their homes. If relatives are able to pay they are expected to do so. If they are not, the state bears the expense. Each hospital is controlled by a board of three trustees appointed by the governor.

The northern hospital is located at Elgin in Kane County; the eastern at Kankakee in Kankakee County; the central at Jacksonville in Morgan County; the southern at Anna in Union County; the western at Watertown in Rock Island County. The asylum for the incurable insane is at Bartonville, Peoria County. The asylum for insane criminals is at Chester in Randolph County.

**Institution for the Education of the Deaf and Dumb.**—This institution is at Jacksonville. Here the children so afflicted are taught to do useful work and the usual school studies. They even learn to talk and to know what people say by watching the movements of the lips.



**The Institution for the Education of the Blina.**—This institution is also at Jacksonville. The children are educated and taught to do work so that they can earn a living.

**The Asylum for Feeble-minded Children.**—This asylum is at Lincoln in Logan County. There are many children of such feeble minds that they can learn little in the public schools or at home. Thus they would grow up helpless and a burden to their relatives. In this institution there are teachers who understand so well what to do for such children that many of them learn to do useful work and become self-supporting.

**Eye and Ear Infirmary.**—This institution is in Chicago. People who are too poor to obtain treatment for diseases of the eye and ear are here boarded and treated free of charge.

**Soldiers' Orphans' Home.**—This home is located at Normal in McLean County. Here the orphans of Union soldiers may be cared for and educated.

**Soldiers' and Sailors' Home.**—Soldiers and sailors who are dependent upon public charity are provided a home at Quincy. There is also one at Danville, established and maintained by the national government.

**Soldiers' Widows' Home.**—This is at Wilmington, Will County.

**Industrial Home for the Blind.**—In Chicago the state maintains a home for the blind who are older than those cared for at Jacksonville. They are taught trades that they may become self-supporting.

## **Penal and Reformatory Institutions.**

These institutions are for the purpose of punishing those convicted of crime and for reforming them so that they may be law abiding citizens when they are released.

**The State Penitentiaries.**—These are located at Joliet, Will County, and Chester, Randolph County. The prisoners confined here are those who are sentenced to remain for life, those for a comparatively long term, and those for a short term. Some are sent for an indeterminate term. By good behavior they may shorten their terms and be released on parole. The prisoners are placed at hard labor, are well fed and comfortably housed in cells. They have ample opportunity to read books and attend church services. While punishment is one of the aims, the chief aim is to return them to society as useful citizens.

**The State Reformatory.**—This institution is located at Pontiac in Livingston County. It is not best to send boys to penitentiaries to associate with the men confined there. Hence a place has been provided where such as have committed crimes that would send men to the penitentiary may be sent. The age is from ten to sixteen years. If the court thinks best those under twenty-one may be sent there.

The boys spend a half day at school and a half day at work learning some useful trade. Every effort is made to influence the boys to do the right. When the authorities think a boy can be safely set free he is given his liberty. Others are given their liberty on parole. This means that at stated periods the one in whose charge the boy is must report how the boy is doing. If he does wrong he is brought back to serve a longer term.

**State Home for Delinquent Boys.**—This is not a place so much for punishment as the reformatory. Its purpose is to give bad boys a chance who are bad because they have had no chance to grow up otherwise. If parents cannot control their boys and train them to good habits they may go before the county court and have them sent to this home. Or anyone else who knows of a boy who is growing up bad and has no chance to do otherwise, may bring such proof before the court and have the boy sent here. The home is located at St. Charles in Kane County. It is on a farm of about one thousand acres. The boys live in cottages in groups of convenient size with a man and his wife to take charge of them. They spend part of the time in school and the rest in work upon the farm.

**State Home for Juvenile Female Offenders.**—This is located at Geneva, Kane County. Its purpose is to do the same for girls that is done for boys at St. Charles.

### **State Boards.**

The officials and institutions which we have studied do much of the work of enforcing the laws of the state, but there is much more to be done. This is entrusted to boards and commissions appointed by the governor and responsible to him. The name of these usually indicate clearly what work they do.

**The State Board of Agriculture** manages the State Fair.

**Live Stock Commission** looks after the live stock interest, such as the prevention of disease.

**Railroad and Warehouse Commission** looks after the enforcement of laws pertaining to railroads and warehouses.

**The Inspectors of Mines** see to it that the laws to secure the safety of miners are complied with.

**The Inspectors of Factories** secure the enforcement of the laws forbidding the employment of children under fourteen years of age. There are yet others, but enough has been said to give us a clear idea of how the laws are enforced by the governor and his appointees.

### **The Judicial Department.**

**The Work of the Courts.**—We have seen how laws are made and how they are enforced. It at first seems that this is all there is of government — the making and the enforcement of laws. If people could make no mistakes in making and enforcing laws this would be enough.

It is possible that a law might be passed that is not right, it might be contrary to the constitution, and the General Assembly that made it and the governor that signed it did not know that it was in conflict with the supreme law. It might happen that the officer who arrested the man had gotten the wrong man, an innocent man. It might be that the law does not mean what the executive officer thought it did and he had no right to arrest the man.

That as few mistakes of this kind as possible may be made, we have created another department of government, the judicial, and we have selected a set of men whose business it is to see that the wrong man is not punished, and that the right one is, to explain the laws and to decide what so-called laws are not laws because they are unconstitutional.

Though an executive officer may arrest a man, he may not punish him at once. He may arrest him and place him in jail



for safe-keeping, until the judiciary, the court, meets, and is ready to hear the case. The executive then brings the prisoner into court before the judge.

The judge now lets the executive try to prove that he has the right man and that he violated a law. He lets the prisoner try to prove that he is not the man wanted, or that he did not violate a law because there is no such law as the executive thinks there is. If either side of the case is not satisfied with the decision of the court, it can appeal to a higher court and have the case tried. When the case is decided in the highest court, the decision must stand right or wrong. But with so much care cases are usually decided right. The places where cases are tried and decided are called the courts. We will study the state courts in the ascending order. We have already studied the justices and the county courts.

**The Circuit Court.**—The state is divided into districts called circuits. Cook County is a circuit, but the others are composed each of several counties. It is called a circuit because the judges are supposed to pass in a circle, holding court in each county of the district.

Three judges are elected in each circuit to serve for a term of six years. The elections are held in June, when no other officers are elected. It is thought that this will prevent party politics entering into the choice of judges. Only one judge presides at a trial.

Each county elects a circuit clerk who attends the sessions of the court and keeps the records and issues the papers ordered by the court.

The sheriff of the county attends the sessions of the court, preserves order, serves papers, and makes arrests, safely keeps the prisoners, and obeys the orders of the court.

The circuit court has original jurisdiction in all criminal and civil cases between citizens of the state. This means that all such cases may be begun in this court.

It has appellate jurisdiction in all cases tried in the justices and county courts. This means that it may try again all cases appealed from the lower courts.

**The Master in Chancery** is a lawyer appointed by the circuit judge to investigate minor matters and report to the court. If heirs to property are unable to agree how to divide it the master in chancery sells the property and divides the money justly between the heirs. If a mortgage becomes due and payment is not made the master sells the property, pays the claim, and returns what is left to the original owner.

In the circuit court cases are tried by the judge or by a jury. If the judge tries the case, he not only conducts the trial but also decides it. If it is tried before a jury he conducts the trial, but the jury decides the case.

**Selecting a Jury.**—When a jury is wanted men are brought into court by the sheriff and are examined before the judge by both sides in the case, to find out if they are fit and desirable men. If either side objects to a man serving, the judge excuses him and another is examined, until twelve men are found who are acceptable to both sides. Sometimes much time is consumed and many men rejected before a satisfactory jury is found.

When a juryman has been selected he is not allowed to talk with any one outside the court. The sheriff sees to it that no one outside the court influences the jury.

**A Jury Trial.**—The plaintiff's lawyer produces the witnesses to show that the accused is guilty as charged. The

lawyer for the defendant produces the witnesses to prove that he is not guilty as charged. The judge sees to it that this is done in the right way, so that each side has a fair chance. The jury listens to the evidence. When all the evidence is in the lawyer for the plaintiff speaks to the jury and tries to show that the evidence proves his side in the right. The lawyer for the defence then speaks to the jury and tries to show that his side is in the right. When the evidence is before the jury and the pleadings ended, the judge charges the jury; that is, he tells them what the law in the case is and what they must do if they find the evidence so and so.

The jury is now sent to a room to decide on a verdict. Here they are kept until all agree to the finding. If they cannot agree they so report to the court.

If the accused is found guilty the judge pronounces sentence. If he is found not guilty the judge sets him free. If the jury disagrees the trial is a failure and the case must be tried again by another jury.

Some cases may be appealed from the circuit to the appellate court, and others to the supreme court.

**The Appellate Courts.**—The state is divided into four districts called Appellate Court Districts. The court meets at Chicago, Ottawa, Springfield and Mt. Vernon. Three judges from among the circuit court judges are appointed by the supreme court of the state for each district, to serve for a term of three years. Two terms of court are held in each district each year.

When holding court the three judges hear the cases and render the decision. The case may be decided by two judges agreeing in the verdict.

This court can try cases only which have been appealed from a lower court. It cannot try criminal cases. Its decision in minor cases is final, but in important cases an appeal may be taken to the supreme court.

**The Supreme Court.**—The state is divided into seven districts for the purpose of electing a supreme judge from each district. The term of office is nine years. In trying cases all sit as a court, and it takes an agreement of at least four to render a decision. The court meets at Springfield.

They elect one of their own number, usually the one who has served the longest, to be chief justice.

This court has original jurisdiction in cases relating to the revenues of the state, in cases of *mandamus*, and *habeas corpus*, but most of its work is trying cases appealed from the lower courts.

By *mandamus* is meant a case like this. If an officer refuses to do his duty as an officer, complaint may be made to a court. The court calls the officer before it, and if it is proved that he did not do his duty, the court commands him to do it. Should he not obey the court he would be punished.

By *habeas corpus* is meant a case like this. If a sheriff took a man and placed him in jail without an order from the court, where such an order was necessary, he would be improperly and unlawfully held. But if there was no remedy, he would be compelled to suffer for months before his case could be tried. The prisoner may apply to a court and the court will grant him a writ of *habeas corpus*. This compels the sheriff to bring him into court.

If it is now shown that he was improperly arrested and is being unlawfully held, he is discharged. But this does not



prove him innocent. The sheriff may now arrest him in a legal way and hold him. If it is proved that he was properly arrested, he is sent back to jail to await trial.

The decision of the supreme court is final and there is no appeal. In criminal cases the court may make a mistake. It may have ordered an innocent man hanged or imprisoned. The only relief is a pardon for the prisoner by the governor.

If it can be shown that the case is one in which a United States law is in question an appeal may be taken from the supreme court to the United States court.

## QUESTIONS ON THE GOVERNMENT OF ILLINOIS

1. If each person lived by himself how might he conduct himself?
2. What restrictions must each recognize if two persons live together?
3. How must people who live in groups conduct themselves?
4. Who is the business head of the family?
5. What is the mother's responsibility in the family?
6. What is the relation of the children in the family?
7. Why must the school have rules?
8. Who has the responsibility of seeing that the laws are enforced?
9. How may a public meeting be conducted to advantage?
10. How is a village or city governed?
11. What is a state?
12. Name three general classes of officers in the state government?
13. Explain how and why the clan was formed.
14. How were tribes formed? Nations?
15. Describe a paternal government.
16. Compare a paternal government and a republic.
17. What is a monarchy? A limited monarchy?
18. How many states in the United States?
19. What law must all states obey? The United States?
20. What is a State Constitution? A statute?
21. How many counties in Illinois?
22. What is a town, a township, a school district?

## I SCHOOL GOVERNMENT

1. How many directors are there in a country school district and what length of term does each serve?
2. What officers are elected on the board and what are the duties of each?
3. Who determines the amount of school tax to be levied?
4. How is the teacher selected?
5. Under what conditions is the school like a republic? Like a monarchy? Which form is the better?
6. State some facts regarding the duties of school trustees.
7. How may a township high school be formed? What advantages does it offer?
8. How many members has a Board of Education? What population is necessary for such a board? Who is the principal executive officer of a Board of Education?

9. How do teachers obtain a permit to teach?
10. Give some of the duties of the county superintendent.

## II TOWN GOVERNMENT

1. Explain what is meant by a town.
2. What provision is usually made for town elections?
3. Who is the chief officer of the town?
4. Name six important duties of this officer.
5. Give three duties of the town clerk.
6. What are the duties of the assessor?
7. What books are furnished the assessor and what use does he make of them?
8. What officer figures out the amount of each person's tax?
9. Who collects the taxes and how does he dispose of the money so collected?
10. What happens if the owner neglects to pay his taxes?
11. What body of men look after the roads and bridges and how is this Board organized?
12. Name two kinds of suits which may be tried before the justice of the peace. Illustrate each.
13. What is a misdemeanor? A felony? An assault? Assault and battery?
14. What is meant by furnishing bail?
15. Give the duties of the constable.
16. What is a warrant?
17. When are the town elections held?
18. Describe the town meeting and give eight matters of business which may come up.
19. What is a township? What is its purpose?
20. Describe the manner in which the township is divided.
21. What is the principal meridian? What principal meridian is used in describing most of the Illinois townships?
22. Explain what is meant by range, base line.
23. On the map select townships and give their legal descriptions.

## III CITY GOVERNMENT

1. How may a village government be organized?
2. What is a charter?
3. What officers are provided for in a village government?
4. How is a city divided? What is the city council?

5. Give the duties of the mayor, the city clerk, the city treasurer.
6. Who is the police magistrate? What are his duties?
7. What are the duties of the city attorney? The marshal? The policemen?
8. Give a list of the duties which require the attention of the city government.

#### IV. COUNTY GOVERNMENT

1. Into how many counties is Illinois divided?
2. How do they vary in size?
3. What two kinds of government prevail in different parts of the state?
4. How is the Board of Supervisors formed? How organized?
5. What is the first business of the chairman?
6. What are some of the committees and what duties do they perform?
7. Give a complete list of the powers and duties of the Board of Supervisors.
8. How are the petit juries selected?
9. Give the first six duties of the county clerk as listed in the text.
10. Explain how county money is paid out.
11. What does the county clerk have to do with the taxes?
12. Who issues the ballots and election supplies for elections?
13. Explain how the official count of elections is made.
14. Who is the chief peace officer of the county?
15. How are the prisoners cared for? In case of conviction how are prisoners conveyed to the penitentiary?
16. How does the sheriff aid the business of the county and circuit court?
17. In case of emergencies how may the sheriff increase the size of his force?
18. In extreme cases tell how help may be obtained to aid in keeping order.
19. What officer has charge of the public money?
20. In what cases does he not receive all of the taxes and in those cases how does he know that the money has been distributed according to law?
21. Who checks up the accounts of the county treasurer?
22. Who is Supervisor of Assessments and what are his duties?
23. Of what does the Board of Review consist?
24. What are the duties of the Board of Review?



25. State the duties of the county surveyor.
26. Why may the county superintendent of schools be considered both a state and a county officer?
27. Give eight duties required of the county superintendent.
28. What important duties are required of the recorder?
29. What is a mortgage? An abstract of title?
30. To what department of government does the county judge belong?
31. What is meant by a court having jurisdiction?
32. Name three kinds of cases in which the county court has jurisdiction?
33. Is the decision of the county court always final?
34. Why do many counties have no probate court?
35. Give the duties of the probate judge regarding the disposition of a lawful will. An unlawful will.
36. How is the property of an insane person cared for?
37. What are the duties of the probate clerk?
38. Who is the lawyer for the county?
39. Give three duties of the state's attorney.
40. How may one who has been robbed or wronged gain redress?
41. When anyone dies in an unusual manner, who takes charge of the body? What procedure is followed?
42. In what other capacity may the coroner act?
43. What was the early method of trying one accused of crime?
44. How many members compose the grand jury and how are they selected?
45. What are the duties of the grand jury?
46. What is an indictment?
47. What is a petit jury and what are the duties of this jury?
48. Give the meaning of the terms plaintiff and defendant.
49. Give some reasons why a judge must be very alert and thoroughly posted in the law when a case is being tried before him.
50. What is the jail and how is it used?
51. How is help furnished to the needy?
52. What is the purpose of the county poorhouse or farm and how is it managed?
53. Explain how it may be no disgrace to go to the poorhouse.
54. When a person becomes insane how is his case disposed of?
55. Under county organization what takes the place of the Board of Supervisors?
56. Which form, township or county organization, gives the people more to say in local government? Which is less expensive?

57. How many counties are under county organization? Under the township system?
58. How is Cook County governed?
59. What officers are elected at the April elections?
60. When are the general elections held?
61. What is meant by the "off year"?
62. What officers are elected at the general elections?
63. Who are legal voters?
64. For what officers may women vote?
65. What are the residence requirements for one to vote?
66. What are the duties of the election judges and clerks?
67. Explain the procedure that is followed at an election.

## V. STATE GOVERNMENT

1. Explain how the town, county and state governments differ in their general characteristics.
2. Why is a State Constitution very necessary?
3. To what must all laws conform?
4. What oath must all officers take before entering upon their duties?
5. What provision is made for adding new laws when they are needed?
6. Name several matters in which the state laws have complete charge.
7. In what matters is the state government subordinate to the United States government?
8. What three departments of government are provided for in the Illinois constitution?
9. Of what branches is the general assembly or legislature composed?
10. What is the general supposition regarding the members of these two branches?
11. Explain the process by which a law is made.
12. How may a bill become a law if the governor vetoes it?
13. How often does the general assembly meet and in what years?
14. What is a senatorial district? For how long a term is a senator elected and what provision is made so that at least half of the membership shall be men of experience in that body?
15. Who is the presiding officer in the senate?
16. What power in addition to making laws is given the senate?
17. Of how many members does the House of Representatives consist and when are they elected?
18. Explain what is meant by minority representation.
19. How does this plan help a third party candidate?

20. Who presides in the House and what may be said of his power?
21. What other officers are chosen to aid in transacting the business of the House?
22. Who is the chief executive of the state?
23. Name the other state executives and tell of their length of term and date of election.
24. What is the purpose of the governor's message?
25. Who may call an extra session of the general assembly and under what conditions?
25. State some of the things a governor may do when a person is convicted of crime. Why is this an important duty?
27. Why is it important that the governor has the power of veto?
28. Explain the plan under which the state militia is maintained.
29. When may the state militia be called out?
30. In extreme cases, what additional help may be secured to keep order?
31. What are the duties of the lieutenant-governor?
32. Give some of the duties of the secretary of state.
33. Who is the state book-keeper?
34. What accounts does he keep?
35. What claims and bills does he examine?
36. How do the auditor's and the treasurer's books compare?
37. Who determines the rate of the state tax and how?
38. Who receives and pays out the money of the state?
39. Give some of the duties of the superintendent of public instruction.
40. Who is the lawyer for the state and what are some of his duties?
41. How are the state institutions managed?
42. Who is responsible for the management of the state schools?
43. Tell about the University of Illinois, its purpose, location, trustees and funds.
44. Name and locate the five state normal schools.
45. How are the normal schools managed?
46. What prompted the organization of the Farmer's Institute?
47. How is the influence of the Farmer's Institute extended throughout the state?
48. Why are state charitable institutions necessary?
49. What desirable results often follow the treatment of the insane at the state institutions?
50. Name and locate the state institutions for the insane.
51. What aid is given to the deaf and dumb?

52. How are the blind cared for?
53. What provision is made for the education of the feeble-minded?
54. Name five other institutions located within the state and give the form of charity each extends.
55. Name and locate the state penitentiaries.
56. How are these prisoners treated and what is the chief aim of the institution?
57. Why was a state reformatory provided for boys? Where is it located?
58. At what ages may offenders be sent to Pontiac?
59. Tell something of the plan followed in this institution.
60. What provision has the state made to aid delinquent boys? Offending girls?
61. Name five state boards and tell of the duties of each.
62. What is the third division of our state government?
63. Tell some reasons why the judicial department is necessary?
64. Who arrests the supposed offender?
65. Tell how the law proceeds to establish a man's guilt or innocence.
66. If the decision of the court is not satisfactory what may be done?
67. Why is the term Circuit Court used?
68. How many judges in each circuit, what is the term of office and when are the elections held?
69. What officer is elected in each county to aid in the transaction of the business of the court?
70. What duties has the sheriff in the circuit court?
71. In what cases has the circuit court jurisdiction?
72. In what cases does it have appellate jurisdiction?
73. What are the duties of the master in chancery?
74. Explain how a jury is selected.
75. Explain how a jury trial is conducted as to the prosecution, the defence, the lawyers' pleas and charging the jury.
76. If the jury fail to agree what is the result?
77. Where are the appellate courts located?
78. How are the appellate judges selected?
79. How are the cases tried and how decided?
80. Tell of the cases which may be tried in the appellate court.
81. How many members compose the Supreme Court and how many must agree to render a decision?
82. What is the term of office and where do they hold court?
83. In what cases has the supreme court jurisdiction?
84. What is meant by mandamus? Habeas corpus?
85. When may a decision given by the Supreme Court be appealed?





# CONSTITUTION OF THE STATE OF ILLINOIS

ADOPTED IN CONVENTION AT SPRINGFIELD, MAY 13, A. D. 1870

*Ratified by the People July 2, 1870; in force August 8, 1870;  
Amended in 1878, 1880, 1884, 1886 and 1890*

## PREAMBLE

We, the People of the State of Illinois — grateful to Almighty God for the civil, political and religious liberty which he hath so long permitted us to enjoy, and looking to him for a blessing upon our endeavors to secure and transmit the same unimpaired to succeeding generations — in order to form a more perfect government, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessing of liberty to ourselves and our posterity, do ordain and establish this Constitution for the State of Illinois.

## ARTICLE I.

### BOUNDARIES

The boundaries and jurisdiction of the State shall be as follows, *to-wit*: Beginning at the mouth of the Wabash river; thence up the same, and with the line of Indiana to the northwest corner of said State; thence east, with the line of the same State, to the middle of Lake Michigan; thence north along the middle of said lake to north latitude

forty-two degrees and thirty minutes, thence west to the middle of the Mississippi river, and thence down along the middle of that river to its confluence with the Ohio river, and thence up the latter river along its northwestern shore to the place of beginning: *Provided*, that this State shall exercise such jurisdiction upon the Ohio river as she is now entitled to, or such as may hereafter be agreed upon by this State and the State of Kentucky.

## ARTICLE II.

### BILL OF RIGHTS

*Section 1.* All men are by nature free and independent, and have certain inherent and inalienable rights — among these are life, liberty and the pursuit of happiness. To secure these rights and the protection of property, governments are instituted among men, deriving their just powers from the consent of the governed.

*Sec. 2.* No person shall be deprived of life, liberty or property without due process of law.

*Sec. 3.* The free exercise and enjoyment of religious profession and worship, without discrimination, shall forever be guaranteed; and no person shall be denied any civil or political right, privilege or capacity on account of his religious opinions; but the liberty of conscience hereby secured shall not be construed to dispense with oaths or affirmations, excuse acts of licentiousness, or justify practices inconsistent with the peace or safety of the State. No person shall be required to attend or support any ministry or place of worship against his consent, nor shall any preference be given by law to any religious denomination or mode of worship.

*Sec. 4.* Every person may freely speak, write and publish on all subjects, being responsible for the abuse of that liberty; and in all trials for libel, both civil and criminal, the truth, when published with good motives and for justifiable ends, shall be a sufficient defense.

*Sec. 5.* The right of trial by jury, as heretofore enjoyed, shall remain inviolate; but the trial of civil cases before justices of the peace, by a jury of less than twelve men, may be authorized by law.

*Sec. 6.* The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures, shall not be violated; and no warrant shall issue without probable cause, supported by affidavit, particularly describing the place to be searched, and the persons or things to be seized.

*Sec. 7.* All persons shall be bailable by sufficient sureties, except for capital offenses, where the proof is evident or the presumption great; and the privilege of the writ of *habeas corpus* shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

*Sec. 8.* No person shall be held to answer for a criminal offense, unless on indictment of a grand jury, except in cases in which the punishment is by fine, or imprisonment otherwise than in the penitentiary, in cases arising in the army and navy, or in the militia, when in actual service in time of war or public danger: *Provided*, that the grand jury may be abolished by law in all cases.

*Sec. 9.* In all criminal prosecutions the accused shall have the right to appear and defend in person and by counsel; to demand the nature and cause of the accusation, and to have a copy thereof; to meet the witnesses face to face,



and to have process to compel the attendance of witnesses in his behalf, and a speedy public trial by an impartial jury of the county or district in which the offense is alleged to have been committed.

*Sec. 10.* No person shall be compelled in any criminal case to give evidence against himself, or be twice put in jeopardy for the same offense.

*Sec. 11.* All penalties shall be proportioned to the nature of the offense; and no convictions shall work corruption of blood or forfeiture of estate; nor shall any person be transported out of the State for any offense committed within the same.

*Sec. 12.* No person shall be imprisoned for debt, unless upon refusal to deliver up his estate for the benefit of his creditors, in such manner as shall be prescribed by law; or in cases where there is strong presumption of fraud.

*Sec. 13.* Private property shall not be taken or damaged for public use without just compensation. Such compensation, when not made by the State, shall be ascertained by a jury, as shall be prescribed by law. The fee of land taken for railroad tracks, without consent of the owners thereof, shall remain in such owners, subject to the use for which it is taken.

*Sec. 14.* No *ex post facto* law, or law impairing the obligation of contracts, or making any irrevocable grant of special privileges or immunities, shall be passed.

*Sec. 15.* The military shall be in strict subordination to the civil power.

*Sec. 16.* No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war except in the manner prescribed by law.

*Sec. 17.* The people have the right to assemble in a peaceable manner to consult for the common good, to make known their opinions to their representatives, and to apply for redress of grievances.

*Sec. 18.* All elections shall be free and equal.

*Sec. 19.* Every person ought to find a certain remedy in the laws for all injuries and wrongs which he may receive in his person, property, or reputation; he ought to obtain by law, right and justice freely, and without being obliged to purchase it, completely and without denial, promptly and without delay.

*Sec. 20.* A frequent recurrence to the fundamental principles of civil government is absolutely necessary to preserve the blessings of liberty.

## ARTICLE III.

### DISTRIBUTION OF POWERS.

The powers of the government of this State are divided into three distinct departments — the Legislative, Executive and Judicial; and no person, or collection of persons, being one of these departments, shall exercise any power properly belonging to either of the others, except as herinafter expressly directed or permitted.

## ARTICLE IV.

### LEGISLATIVE DEPARTMENT.

*Section 1.* The legislative power shall be vested in a general assembly, which shall consist of a senate and house of representatives, both to be elected by the people.

## ELECTION.

*Sec. 2.* An election for members of the general assembly shall be held on the Tuesday next after the first Monday in November, in the year of our Lord one thousand eight hundred and seventy, and every two years thereafter, in each county, at such places therein as may be provided by law. When vacancies occur in either house, the governor, or person exercising the powers of governor, shall issue writs of election to fill such vacancies.

## ELIGIBILITY AND OATH.

*Sec. 3.* No person shall be a senator who shall not have attained the age of twenty-five years, or a representative who shall not have attained the age of twenty-one years. No person shall be a senator or a representative who shall not be a citizen of the United States and who shall not have been for five years a resident of this State, and for two years next preceding his election a resident within the territory forming the district from which he is elected. No judge or clerk of any court, secretary of state, attorney general, state's attorney, recorder, sheriff, or collector of public revenue, members of either house of congress, or persons holding any lucrative office under the United States or this State, or any foreign government, shall have a seat in the general assembly: *Provided:* that appointments in the militia, and the offices of notary public and justice of the peace, shall not be considered lucrative. Nor shall any person holding any office of honor or profit under any foreign government, or under the government of the United States (except postmasters whose annual compensation does not exceed the sum of three

hundred dollars) hold any office of honor or profit under the authority of this State.

*Sec. 4.* No person who has been, or hereafter shall be convicted of bribery, perjury or other infamous crime, nor any person who has been or may be a collector or holder of public moneys, who shall not have accounted for and paid over, according to law, all such moneys due from him, shall be eligible to the general assembly, or to any office of profit or trust in this State.

*Sec. 5.* Members of the general assembly, before they enter upon their official duties, shall take and subscribe the following oath or affirmation:

“I do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the State of Illinois, and will faithfully discharge the duties of senator (or representative) according to the best of my ability; and that I have not knowingly or intentionally paid or contributed anything, or made any promise in the nature of a bribe to directly or indirectly influence any vote at the election at which I was chosen to fill the said office, and have not accepted, nor will I accept or receive, directly or indirectly, any money or other valuable thing from any corporation, company or person for any vote or influence I may give or withhold on any bill, resolution or appropriation, or for any other official act.”

This oath shall be administered by a judge of the supreme or circuit court in the hall of the house to which the member is elected, and the secretary of state shall record and file the oath subscribed by each member. Any member who shall refuse to take the oath herein prescribed shall forfeit his office, and every member who shall be convicted of having sworn falsely to, or of violating, his said oath, shall forfeit his office and be disqualified thereafter from holding any office of profit or trust in this State.



## APPORTIONMENT — SENATORIAL.

*Sec. 6.* The general assembly shall apportion the State every ten years, beginning with the year one thousand eight hundred and seventy-one, by dividing the population of the State, as ascertained by the federal census, by the number fifty-one, and the quotient shall be the ratio of representation in the senate. The State shall be divided into fifty-one senatorial districts, each of which shall elect one senator, whose term of office shall be four years. The senators elected in the year of our Lord one thousand eight hundred and seventy-two, in districts bearing odd numbers, shall vacate their offices at the end of two years, and those elected in districts bearing even numbers at the end of four years, and vacancies occurring by the expiration of term shall be filled by the election of senators for the full term. Senatorial districts shall be formed of contiguous and compact territory, bounded by county lines, and contain as near as practicable an equal number of inhabitants; but no district shall contain less than four-fifths of the senatorial ratio. Counties containing not less than the ratio and three-fourths may be divided into separate districts, and shall be entitled to two senators, and to one additional senator for each number of inhabitants equal to the ratio contained by such counties in excess of twice the number of said ratio.

## REPRESENTATIVES.

*Sec. 7.* The population of the State, as ascertained by the federal census, shall be divided by the number one hundred and fifty-three, and the quotient shall be the ratio of repre-

sentation in the house of representatives. Every county or district shall be entitled to one representative, when its population is three-fifths of the ratio; if any county has less than three-fifths of the ratio, it shall be attached to the adjoining county having the least population, to which no other county has, for the same reason, been attached, and the two shall constitute a separate district. Every county or district having a population not less than the ratio and three-fifths, shall be entitled to two representatives, and for each additional number of inhabitants, equal to the ratio, one representative. Counties having over two hundred thousand inhabitants, may be divided into districts, each entitled to not less than three nor more than five representatives. After the year one thousand eight hundred and eighty, the whole population shall be divided by the number one hundred and fifty-nine, and the quotient shall be the ratio of representation in the house of representatives for the ensuing ten years, and six additional representatives shall be added for every five hundred thousand increase of population at each decennial census thereafter, and be apportioned in the same manner as above provided.

*Sec. 8.* When a county or district shall have a fraction of population above what shall entitle it to one representative, or more, according to the provisions of the foregoing section, amounting to one-fifth of the ratio, it shall be entitled to one additional representative in the fifth term of each decennial period; when such fraction is two-fifths of the ratio, it shall be entitled to an additional representative in the fourth and fifth terms of said period; when the fraction is three-fifths of the ratio, it shall be entitled to an additional representative in the first, second and third terms, respectively; when a

fraction is four-fifths of the ratio, it shall be entitled to an additional representative in the first, second, third and fourth terms, respectively.

NOTE. — By the adoption of minority representation, Sections 7 and 8 of this article, above set forth, cease to be a part of the Constitution. Under Section 12 of the schedule, and the vote of adoption, the following section relating to minority representation is substituted for said sections:

#### MINORITY REPRESENTATION.

*Secs. 7 and 8.* The house of representatives shall consist of three times the number of the members of the senate, and the term of office shall be two years. Three representatives shall be elected in each senatorial district at the general election in the year of our Lord one thousand eight hundred and seventy-two, and every two years thereafter. In all elections of representatives aforesaid, each qualified voter may cast as many votes for one candidate as there are representatives to be elected, or may distribute the same, or equal parts thereof, among the candidates, as he shall see fit; and the candidates highest in votes shall be declared elected.

#### TIME OF MEETING AND GENERAL RULES.

*Sec. 9.* The sessions of the general assembly shall commence at twelve o'clock noon, on the Wednesday next after the first Monday in January, in the year next ensuing the election of members thereof, and at no other time, unless as provided by this Constitution. A majority of the members

elected to each house shall constitute a quorum. Each house shall determine the rules of its proceedings, and be the judge of the election returns and qualifications of its members; shall choose its own officers; and the senate shall choose a temporary president to preside when the lieutenant governor shall not attend as president, or shall act as governor. The secretary of state shall call the house of representatives to order at the opening of each new assembly, and preside over it until a temporary presiding officer thereof shall have been chosen and shall have taken his seat. No member shall be expelled by either house, except by a vote of two-thirds of all the members elected to that house, and no member shall be twice expelled for the same offense. Each house may punish by imprisonment any person not a member who shall be guilty of disrespect to the house by disorderly or contemptuous behavior in its presence. But no such imprisonment shall extend beyond twenty-four hours at one time, unless the person shall persist in such disorderly or contemptuous behavior.

*Sec. 10.* The door of each house and of committees of the whole shall be kept open, except in such cases as, in the opinion of the house, require secrecy. Neither house shall, without the consent of the other, adjourn for more than two days, or to any other place than that in which the two houses shall be sitting. Each house shall keep a journal of its proceedings, which shall be published. In the senate, at the request of two members, and in the house, at the request of five members, the yeas and nays, shall be taken on any question, and entered upon the journal. Any two members of either house shall have liberty to dissent from and protest, in respectful language, against any act or resolution which they think in-



jurious to the public or to any individual, and have the reasons of their dissent entered upon the journals.

#### STYLE OF LAWS AND PASSAGE OF BILLS.

*Sec. 11.* The style of the laws of this State shall be: "*Be it enacted by the People of the State of Illinois, represented in the General Assembly.*"

*Sec. 12.* Bills may originate in either house, but may be altered, amended or rejected by the other; and, on the final passage of all bills, the vote shall be by yeas and nays, upon each bill separately, and shall be entered upon the journal; and no bill shall become a law without the concurrence of a majority of the members elected to each house.

*Sec. 13.* Every bill shall be read at large on three different days, in each house; and the bill and all amendments thereto shall be printed before the vote is taken on its final passage; and every bill, having passed both houses, shall be signed by the speakers thereof. No act hereafter passed shall embrace more than one subject, and that shall be expressed in the title. But if any subject shall be embraced in an act which shall not be expressed in the title, such act shall be void only as to so much thereof as shall not be so expressed; and no law shall be revived or amended by reference to its title only, but the law revived, or the section amended, shall be inserted at length in the new act. And no act of the general assembly shall take effect until the first day of July next after its passage, unless, in case of emergency (which emergency shall be expressed in the preamble or body of the act), the general assembly shall, by a vote of two-thirds of all the members elected to each house, otherwise direct.

## PRIVILEGES AND DISABILITIES.

*Sec. 14.* Senators and representatives shall, in all cases, except treason, felony or breach of the peace, be privileged from arrest during the session of the general assembly, and in going to and returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

*Sec. 15.* No person elected to the general assembly shall receive any civil appointment within this State from the governor, the governor and senate, or from the general assembly, during the term for which he shall have been elected; and all such appointments, and all votes given for any such members for any such office or appointment, shall be void; nor shall any member of the general assembly be interested, either directly or indirectly, in any contract with the State, or any county thereof, authorized by any law passed during the term for which he shall have been elected, or within one year after the expiration thereof.

## PUBLIC MONEYS AND APPROPRIATIONS.

*Sec. 16.* The general assembly shall make no appropriation of money out of the treasury in any private law. Bills making appropriations for the pay of members and officers of the general assembly, and for the salaries of the officers of the government shall contain no provision on any other subject.

*Sec. 17.* No money shall be drawn from the treasury except in pursuance of an appropriation made by law, and on the presentation of a warrant issued by the auditor thereon; and no money shall be diverted from any appropriation made

for any purpose, or taken from any fund whatever, either by joint or separate resolution. The auditor shall, within sixty days after the adjournment of each session of the general assembly, prepare and publish a full statement of all money expended at such session, specifying the amount of each item, and to whom and for what paid.

*Sec. 18.* Each general assembly shall provide for all the appropriations necessary for the ordinary and contingent expenses of the government until the expiration of the first fiscal quarter after the adjournment of the next regular session, the aggregate amount of which shall not be increased without a vote of two-thirds of the members elected to each house, nor exceed the amount of revenue authorized by law to be raised in such time; and all appropriations, general or special, requiring money to be paid out of the State treasury, from funds belonging to the State, shall end with such fiscal quarter: *Provided*, the State may, to meet casual deficits or failures in revenues, contract debts, never to exceed in the aggregate two hundred and fifty thousand dollars; and moneys thus borrowed shall be applied to the purpose for which they were obtained, or to pay the debt thus created, and to no other purpose, and no other debt except for the purpose of repelling invasion, suppressing insurrection, or defending the State in war (for payment of which the faith of the State shall be pledged), shall be contracted, unless the law authorizing the same shall, at a general election, have been submitted to the people and have received a majority of the votes cast for members of the general assembly at such election. The general assembly shall provide for the publication of said law for three months, at least, before the vote of the people shall be taken upon the same; and provision shall be

made, at the time, for the payment of the interest annually, as it shall accrue, by a tax levied for the purpose, or from other sources of revenue; which law, providing for the payment of such interest by such tax, shall be irrepealable until such debt be paid: *And, provided further*, that the law levying the tax shall be submitted to the people with the law authorizing the debt to be contracted.

*Sec. 19.* The general assembly shall never grant or authorize extra compensation, fee or allowance to any public officer, agent, servant or contractor, after service has been rendered or a contract made, nor authorize the payment of any claim, or part thereof, hereafter created against the State under any agreement or contract made without express authority of law; and all such unauthorized agreements or contracts shall be null and void: *Provided*, the general assembly may make appropriations for expenditures incurred in suppressing insurrection or repelling invasion.

*Sec. 20.* The State shall never pay, assume or become responsible for the debts or liabilities of, or in any manner give, loan or extend its credit to, or in aid of, any public or other corporation, association or individual.

#### PAY OF MEMBERS.

*Sec. 21.* The members of the general assembly shall receive for their services the sum of five dollars per day, during the first session held under this constitution, and ten cents for each mile necessarily traveled in going to and returning from the seat of government, to be computed by the auditor of public accounts; and thereafter such compensation as shall be prescribed by law, and no other allowance or emolu-



ment, directly or indirectly, for any purpose whatever, except the sum of fifty dollars per session to each member, which shall be in full for postage, stationery, newspapers and all other incidental expenses and perquisites; but no change shall be made in the compensation of the general assembly during the term for which they may have been elected. The pay and mileage allowed to each member of the general assembly shall be certified by the speakers of their respective houses, and entered on the journals, and published at the close of each session.

#### SPECIAL LEGISLATION PROHIBITED.

*Sec. 22.* The general assembly shall not pass local or special laws in any of the following enumerated cases, that is to say: for —

- Granting divorces;

- Changing the names of persons or places,

- Laying out, opening, altering and working roads or highways;

- Vacating roads, town plats, streets, alleys, and public grounds;

- Locating or changing county seats;

- Regulating county and township affairs;

- Regulating the practice in courts of justice;

- Regulating the jurisdiction and duties of justices of the peace, police magistrates and constables;

- Providing for changes of venue in civil and criminal cases;

- Incorporating cities, towns or villages, or changing or amending the charter of any town, city or village;

- Providing for the election of members of the board of supervisors in townships, incorporated towns or cities;

Summoning and impaneling grand or petit juries;  
Providing for the management of common schools;  
Regulating the rate of interest on money;

The opening and conducting of any election, or designating the place of voting;

The sale or mortgage of real estate belonging to minors or others under disability;

The protection of game or fish;

Chartering or licensing ferries or toll bridges;

Remitting fines, penalties, or forfeitures;

Creating, increasing, or decreasing fees, percentage or allowances of public officers, during the term for which said officers are elected or appointed;

Changing the law of descent;

Granting to any corporation, association, or individual, the right to lay down railroad tracks, or amending existing charters for such purposes;

Granting to any corporation, association or individual any special or exclusive privilege, immunity or franchise whatever;

In all other cases where a general law can be made applicable, no special law shall be enacted.

*Sec. 23.* The general assembly shall have no power to release or extinguish, in whole or in part, the indebtedness, liability or obligation of any corporation or individual to this State or to any municipal corporation therein.

#### IMPEACHMENT.

*Sec. 24.* The house of representatives shall have the sole power of impeachment; but a majority of all the members elected must concur therein. All impeachments shall be tried by the senate; and when sitting for that purpose, the

senators shall be upon oath or affirmation to do justice according to law and evidence. When the governor of the State is tried, the chief justice shall preside. No person shall be convicted without the concurrence of two-thirds of the senators elected. But judgment, in such cases, shall not extend further than removal from office, and disqualification to hold any office of honor, profit or trust under the government of this State. The party, whether convicted or acquitted, shall, nevertheless, be liable to prosecution, trial, judgment and punishment according to law.

#### MISCELLANEOUS.

*Sec. 25.* The general assembly shall provide, by law, that the fuel, stationery and printing paper furnished for the use of the State; the copying, printing, binding and distributing the laws and journals, and all other printing ordered by the general assembly, shall be let by contract to the lowest responsible bidder; but the general assembly shall fix a maximum price; and no member thereof, or other officer of the State, shall be interested, directly or indirectly, in such contract. But all such contracts shall be subject to the approval of the governor, and if he disapproves the same, there shall be a re-letting of the contract, in such manner as shall be prescribed by law.

*Sec. 26.* The State of Illinois shall never be made defendant in any court of law or equity.

*Sec. 27.* The general assembly shall have no power to authorize lotteries or gift enterprises, for any purpose, and shall pass laws to prohibit the sale of lottery or gift enterprise tickets in this State.

*Sec. 28.* No law shall be passed which shall operate to extend the term of any public officer after his election or appointment.

*Sec. 29.* It shall be the duty of the general assembly to pass such laws as may be necessary for the protection of operative miners, by providing for ventilation, when the same may be required, and the construction of escapement shafts, or such other appliances as may secure safety in all coal mines, and to provide for the enforcement of said laws by such penalties and punishments as may be deemed proper.

*Sec. 30.* The general assembly may provide for establishing and opening roads and cartways, connected with a public road, for private and public use.

*Sec. 31.\** The general assembly may pass laws permitting the owners of land to construct drains, ditches and levees for agricultural, sanitary or mining purposes, across the lands of others, and provide for the organization of drainage districts, and vest the corporate authorities thereof with power to construct and maintain levees, drains and ditches and to keep in repair all drains, ditches and levees heretofore constructed under the laws of this State, by special assessments upon the property benefited thereby.

*Sec. 32.* The general assembly shall pass liberal homestead and exemption laws.

*Sec. 33.* The general assembly shall not appropriate out of the State treasury, or expend on account of the new capitol

\* As modified by the first amendment to the Constitution of 1870. The joint resolution was adopted by the Senate March 15, 1877, and the House March 20, 1877. It was adopted by the vote of the People November 5, 1878, and proclaimed ratified November 29, 1878.



grounds, and construction, completion and furnishing of the State house, a sum exceeding in the aggregate three and a half millions of dollars, inclusive of all appropriations heretofore made, without first submitting the proposition for an additional expenditure to the legal voters of the State at a general election; nor unless a majority of all the votes cast at such election shall be for the proposed additional expenditure.

## ARTICLE V.

### EXECUTIVE DEPARTMENT.

*Section 1.* The executive department shall consist of a governor, lieutenant-governor, secretary of state, auditor of public accounts, treasurer, superintendent of public instruction and attorney-general, who shall each, with the exception of the treasurer, hold his office for the term of four years from the second Monday of January next after his election and until his successor is elected and qualified. They shall, except the lieutenant governor, reside at the seat of government during their term of office, and keep the public records, books and papers there, and shall perform such duties as may be prescribed by law.

*Sec. 2.* The treasurer shall hold his office for the term of two years, and until his successor is elected and qualified, and shall be ineligible to said office for two years next after the end of the term for which he was elected. He may be required by the governor to give reasonable additional security, and in default of so doing his office shall be deemed vacant.

## ELECTION.

*Sec. 3.* An election for governor, lieutenant-governor, secretary of state, auditor of public accounts and attorney general shall be held on the Tuesday next after the first Monday of November, in the year of our Lord one thousand eight hundred and seventy-two, and every four years thereafter; for superintendent of public instruction, on the Tuesday next after the first Monday of November in the year one thousand eight hundred and seventy, and every four years thereafter; and for treasurer on the day last above mentioned, and every two years thereafter, at such places and in such manner as may be prescribed by law.

*Sec. 4.* The returns of every election for the above named officers shall be sealed up and transmitted by the returning officers to the secretary of state directed to the "Speaker of the house of representatives," who shall immediately after the organization of the house, and before proceeding to other business, open and publish the same in the presence of a majority of each house of the general assembly, who shall, for that purpose, assemble in the hall of the house of representatives. The person having the highest number of votes for either of said offices shall be declared duly elected; but if two or more have an equal, and the highest number of votes, the general assembly shall, by joint ballot, choose one of such persons for said office. Contested elections for all said offices shall be determined by both houses of the general assembly, by joint ballot, in such manner as may be prescribed by law.

## ELIGIBILITY.

*Sec. 5.* No person shall be eligible to the office of governor or lieutenant-governor who shall not have attained the age of thirty years, and been, for five years next preceding his election, a citizen of the United States and of this State. Neither the governor, lieutenant governor, auditor of public accounts, secretary of state, superintendent of public instruction, nor attorney-general shall be eligible to any other office during the period for which he shall have been elected.

## GOVERNOR.

*Sec. 6.* The supreme executive power shall be vested in the governor, who shall take care that the laws be faithfully executed.

*Sec. 7.* The governor shall, at the commencement of each session, and at the close of his term of office, give to the general assembly information, by message, of the condition of the State, and shall recommend such measures as he shall deem expedient. He shall account to the general assembly, and accompany his message with a statement of all moneys received and paid out by him from any funds subject to his order with vouchers, and at the commencement of each regular session, present estimates of the amount of money required to be raised by taxation for all purposes.

*Sec. 8.* The governor may, on extraordinary occasions, convene the general assembly, by proclamation, stating therein the purpose for which they are convened, and the general assembly shall enter upon no business except that for which they were called together.

*Sec. 9.* In case of a disagreement between the two houses

with respect to the time of adjournment, the governor may, on the same being certified to him by the house first moving the adjournment, adjourn the general assembly to such time as he thinks proper, not beyond the first day of the next regular session.

*Sec. 10.* The governor shall nominate, and by and with the advice and consent of the senate (a majority of all the senators elected concurring by yeas and nays), appoint all officers whose offices are established by this constitution, or which may be created by law, and whose appointment or election is not otherwise provided for; and no such officer shall be appointed or elected by the general assembly.

*Sec. 11.* In case of a vacancy, during the recess of the senate, in any office which is not elective, the governor shall make a temporary appointment until the next meeting of the senate, when he shall nominate some person to fill such office; and any person so nominated who is confirmed by the senate (a majority of all the senators elected concurring by yeas and nays), shall hold his office during the remainder of the term, and until his successor shall be appointed and qualified. No person, after being rejected by the senate, shall be again nominated for the same office at the same session, unless at the request of the senate, or be appointed to the same office during the recess of the general assembly.

*Sec. 12.* The governor shall have power to remove any officer whom he may appoint, in case of incompetency, neglect of duty or malfeasance in office; and he may declare his office vacant and fill the same as is herein provided in other cases of vacancy.

*Sec. 13.* The governor shall have power to grant reprieves, commutations and pardons, after conviction, for all offenses,



subject to such regulations as may be provided by law relative to the manner of applying therefor.

*Sec. 14.* The governor shall be commander-in-chief of the military and naval forces of the State (except when they shall be called into the service of the United States), and may call out the same to execute the laws, suppress insurrection and repel invasion.

*Sec. 15.* The governor and all civil officers of the State shall be liable to impeachment for any misdemeanor in office.

#### VETO \*

*Sec. 16.* Every bill passed by the general assembly shall, before it becomes a law, be presented to the governor. If he approve, he shall sign it, and thereupon it shall become a law; but if he do not approve, he shall return it, with his objections, to the house in which it shall have originated, which house shall enter the objections at large upon its journal and proceed to reconsider the bill. If then two thirds of the members elected agree to pass the same, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered; and if approved by two-thirds of the members elected to that house, it shall become a law, notwithstanding the objections of the governor; but in all such cases the vote of each house shall be determined by yeas and nays, to be entered *upon* the journal. Bills making appropriations of money out of the treasury shall specify

\* As modified by the third amendment to the constitution of 1870. The amendment was proposed by the joint resolution of the Thirty-third General Assembly, ratified by the vote of the people November 4, 1884, and proclaimed adopted November 28, 1884.

the objects and purposes for which the same are made, and appropriate to them respectively their several amounts on distinct items and sections. And if the governor shall not approve any one or more of the items or sections contained in any bill, but shall approve the residue thereof, it shall become a law, as to the residue, in like manner as if he had signed it. The governor shall then return the bill, with his objections to the items or sections of the same not approved by him, to the house in which the bill shall have originated, which house shall enter the objections at large upon its journal, and proceed to reconsider so much of said bill as is not approved by the governor. The same proceedings shall be had in both houses in reconsidering the same as is hereinbefore provided in case of an entire bill returned by the governor with his objections; and if any item or section of said bill not approved by the governor shall be passed by two-thirds of the members elected to each of the two houses of the general assembly, it shall become part of said law, notwithstanding the objections of the governor. Any bill which shall not be returned by the governor within ten days (Sundays excepted) after it shall have been presented to him, shall become a law in like manner as if he had signed it, unless the general assembly shall by their adjournment prevent its return, in which case it shall be filed with his objections in the office of the secretary of state, within ten days after such adjournment, or become a law.

#### LIEUTENANT-GOVERNOR.

*Sec. 17.* In case of the death, conviction on impeachment, failure to qualify, resignation, absence from the State, or other disability of the governor, the powers, duties and emolu-

ments of the office for the residue of the term, or until the disability shall be removed, shall devolve upon the lieutenant governor.

*Sec. 18.* The lieutenant governor shall be president of the senate, and shall vote only when the senate is equally divided. The senate shall choose a president, *pro tempore*, to preside in case of the absence or impeachment of the lieutenant governor, or when he shall hold the office of governor.

*Sec. 19.* If there be no lieutenant governor, or if the lieutenant governor shall, for any of the causes specified in section seventeen of this article, become incapable of performing the duties of the office, the president of the senate shall act as governor until the vacancy is filled or the disability removed; and if the president of the senate, for any of the above-named causes, shall become incapable of performing the duties of governor, the same shall devolve upon the speaker of the house of representatives.

#### OTHER STATE OFFICERS.

*Sec. 20.* If the office of auditor of public accounts, treasurer, secretary of state, attorney-general, or superintendent of public instruction shall be vacated by death, resignation or otherwise; it shall be the duty of the governor to fill the same by appointment, and the appointee shall hold his office until his successor shall be elected and qualified in such manner as may be provided by law. An account shall be kept by the officers of the executive department, and of all the public institutions of the State, of all moneys received or disbursed by them, severally, from all sources, and for every service performed, and a semi-annual report thereof be made to the

governor, under oath; and any officer who makes a false report shall be guilty of perjury, and punished accordingly.

*Sec. 21.* The officers of the executive department, and of all the public institutions of the State, shall, at least ten days preceding each regular session of the general assembly, severally report to the governor, who shall transmit such reports to the general assembly, together with the reports of the judges of the supreme court of defects in the constitution and laws; and the governor may at any time require information, in writing under oath, from the officers of the executive department, and all officers and managers of State institutions, upon any subject relating to the condition, management and expenses of their respective offices.

#### THE SEAL OF STATE.

*Sec. 22.* There shall be a seal of the State, which shall be called the "Great Seal of the State of Illinois," which shall be kept by the secretary of state, and used by him, officially, as directed by law.

#### FEES AND SALARIES.

*Sec. 23.* The officers named in this article shall receive for their services a salary, to be established by law, which shall not be increased or diminished during their official terms, and they shall not, after the expiration of the terms of those in office at the adoption of this constitution, receive to their own use any fees, costs, perquisites of office, or other compensation. And all fees that may hereafter be payable by law for any services performed by any officer provided for in this article of the constitution, shall be paid in advance into the State treasury.



## DEFINITION AND OATH OF OFFICE.

*Sec. 24.* An office is a public position created by the constitution or law, continuing during the pleasure of the appointing power, or for a fixed time, with a successor elected or appointed. An employment is an agency, for a temporary purpose, which ceases when that purpose is accomplished.

*Sec. 25.* All civil officers, except members of the general assembly and such inferior officers as may be by law exempted, shall, before they enter on the duties of their respective offices, take and subscribe the following oath or affirmation:

"I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States, and the Constitution of the State of Illinois, and that I will faithfully discharge the duties of the office of — according to the best of my ability."

And no other oath, declaration or test shall be required as a qualification.

## ARTICLE VI.

## JUDICIAL DEPARTMENT.

*Section 1.* The judicial powers, except as in this article is otherwise provided, shall be vested in one supreme court, circuit courts, county courts, justices of the peace, police magistrates, and in such courts as may be created by law in and for cities and incorporated towns.

## SUPREME COURT.

*Sec. 2.* The supreme court shall consist of seven judges, and shall have original jurisdiction in cases relating to the revenue, in *mandamus* and *habeas corpus*, and appellate juris-

diction in all other cases. One of said judges shall be chief justice; four shall constitute a quorum, and the concurrence of four shall be necessary to every decision.

*Sec. 3.* No person shall be eligible to the office of judge of the supreme court unless he shall be at least thirty years of age, and a citizen of the United States, nor unless he shall have resided in this State five years next preceding his election, and be a resident of the district in which he shall be elected.

*Sec. 4.* Terms of the supreme court shall continue to be held in the present grand divisions at the several places now provided for holding the same; and until otherwise provided by law, one or more terms of said court shall be held, for the northern division, in the City of Chicago, each year, at such times as said court may appoint, whenever said city or the County of Cook shall provide appropriate rooms therefor, and the use of a suitable library, without expense to the State. The judicial divisions may be altered, increased or diminished in number, and the times and places of holding said court may be changed by law.

*Sec. 5.* The present grand divisions shall be preserved, and be denominated Southern, Central and Northern, until otherwise provided by law. The State shall be divided into seven districts for the election of judges, and, until otherwise provided by law, they shall be as follows:

*First District.* — The counties of St. Clair, Clinton, Washington, Jefferson, Wayne, Edwards, Wabash, White, Hamilton, Franklin, Perry, Randolph, Munroe, Jackson, Williamson, Saline, Gallatin, Hardin, Pope, Union, Johnson, Alexander, Pulaski and Massac.

*Second District.* — The counties of Madison, Bond, Marion,

Clay, Richland, Lawrence, Crawford, Jasper, Effingham, Fayette, Montgomery, Macoupin, Shelby, Cumberland, Clark, Greene, Jersey, Calhoun and Christian.

*Third District.* — The counties of Sangamon, Macon, Logan, De Witt, Piatt, Douglas, Champaign, Vermilion, McLean, Livingstone, Ford, Iroquois, Coles, Edgar, Moultrie and Tazewell.

*Fourth District.* — The counties of Fulton, McDonough, Hancock, Schuyler, Brown, Adams, Pike, Mason, Menard, Morgan, Cass and Scott.

*Fifth District.* — The counties of Knox, Warren, Henderson, Mercer, Henry, Stark, Peoria, Marshall, Putnam, Bureau, La Salle, Grundy and Woodford.

*Sixth District.* — The counties of Whiteside, Carroll, Jo Daviess, Stephenson, Winnebago, Boone, McHenry, Kane, Kendall, De Kalb, Lee, Ogle and Rock Island.

*Seventh District.* — The counties of Lake, Cook, Will, Kankakee and DuPage.

The boundaries of the districts may be changed at the session of the general assembly next preceding the election for judges therein, and at no other time; but whenever such alterations shall be made the same shall be upon the rule of equality of population, as nearly as county boundaries will allow, and the districts shall be composed of contiguous counties, in as nearly compact form as circumstances will permit. The alteration of the districts shall not affect the tenure of office of any judge.

*Sec. 6.* At the time of voting on the adoption of this constitution, one judge of the supreme court shall be elected by the electors thereof, in each of said districts numbered two, three, six and seven, who shall hold his office for the term of

nine years from the first Monday of June, in the year of our Lord one thousand eight hundred and seventy. The term of office of judges of the supreme court, elected after the adoption of this constitution, shall be nine years; and on the first Monday of June of the year in which the term of any of the judges in office at the adoption of this constitution, or of the judges then elected, shall expire, and every nine years thereafter, there shall be an election for the successor or successors of such judges in the respective districts wherein the term of such judges shall expire. The chief justice shall continue to act as such until the expiration of the term for which he was elected, after which the judges shall choose one of their number chief justice.

*Sec. 7.* From and after the adoption of the constitution, the judges of the supreme court shall each receive a salary of four thousand dollars per annum, payable quarterly, until otherwise provided by law. And after said salaries shall be fixed by law, the salaries of the judges in office shall not be increased or diminished during the terms for which said judges shall have been elected.

*Sec. 8.* Appeals and writs of error may be taken to the supreme court held in the grand division in which the case is decided, or, by consent of the parties, to any other grand division.

*Sec. 9.* The supreme court shall appoint one reporter of its decisions, who shall hold his office for six years, subject to removal by the court.

*Sec. 10.* At the time of the election of representatives in the general assembly, happening next preceding the expiration of the terms of office of the present clerks of said court, one clerk of said court for each division shall be elected, whose



term of office shall be six years from said election, but who shall not enter upon the duties of his office until the expiration of the term of his predecessor, and every six years thereafter one clerk of said court for each division shall be elected.

#### APPELLATE COURTS.

*Sec. 11.* After the year of our Lord one thousand eight hundred and seventy-four, inferior appellate courts, of uniform organization and jurisdiction, may be created in districts formed for that purpose, to which such appeals and writs of error as the general assembly may provide, may be prosecuted from circuit and other courts, and from which appeals and writs of error shall lie to the supreme court, in all criminal cases, and cases in which a franchise, or freehold, or the validity of a statute is involved, and in such other cases as may be provided by law. Such appellate courts shall be held by such number of judges of the circuit courts, and at such times and places, and in such manner as may be provided by law; but no judge shall sit in review upon cases decided by him; nor shall said judges receive any additional compensation for such services.

#### CIRCUIT COURTS.

*Sec. 12.* The circuit courts shall have original jurisdiction of all causes in law and equity, and such appellate jurisdiction as is or may be provided by law, and shall hold two or more terms each year in every county. The terms of office of judges of circuit courts shall be six years.

*Sec. 13.* The State, exclusive of the County of Cook and other counties having a population of one hundred thousand,

shall be divided into judicial circuits, prior to the expiration of the terms of office of the present judges of the circuit courts. Such circuits shall be formed of contiguous counties, in as nearly compact form and as nearly equal as circumstances will permit, having due regard to business, territory and population, and shall not exceed in number one circuit for every one hundred thousand of population of the State. One judge shall be elected for each of said circuits by the electors thereof. New circuits may be formed and the boundaries of circuits changed by the general assembly, at its session next preceding the election for circuit judges, but at no other time: *Provided* that the circuits may be equalized or changed at the first session of the general assembly after the adoption of this constitution. The creation, alteration or change of any circuit shall not affect the tenure of office of any judge. Whenever the business of the circuit court of any one, or of two or more contiguous counties, containing a population exceeding fifty thousand, shall occupy nine months of the year, the general assembly may make of such county, or counties, a separate circuit. Whenever additional circuits are created, the foregoing limitations shall be observed.

*Sec. 14.* The general assembly shall provide for the times of holding court in each county; which shall not be changed, except by the general assembly next preceding the general election for judges of said courts; but additional terms may be provided for in any county. The election for judges of the circuit courts shall be held on the first Monday in June, in the year of our Lord one thousand eight hundred and seventy-three, and every six years thereafter.

*Sec. 15.* The general assembly may divide the State into

judicial circuits of greater population and territory, in lieu of the circuits provided for in section thirteen of this article, and provide for the election therein, severally, by the electors thereof, by general ticket, of not exceeding four judges, who shall hold the circuit courts in the circuit for which they shall be elected, in such manner as may be provided by law:

*Sec. 16.* From and after the adoption of this constitution, judges of the circuit courts shall receive a salary of three thousand dollars per annum, payable quarterly, until otherwise provided by law, and after their salaries shall be fixed by law they shall not be increased or diminished during the terms for which said judges shall be, respectively, elected; and from and after the adoption of this constitution, no judge of the supreme or circuit court shall receive any other compensation, perquisite or benefit, in any form whatsoever, nor perform any other than judicial duties to which may belong any emoluments.

*Sec. 17.* No person shall be eligible to the office of judge of the circuit or any inferior court, or to membership in the "board of county commissioners," unless he shall be at least twenty-five years of age and a citizen of the United States, nor unless he shall have resided in this State five years next preceding his election, and be a resident of the circuit, county, city, cities, or incorporated town in which he shall be elected.

#### COUNTY COURTS.

*Sec. 18.* There shall be elected in and for each county one county judge and one clerk of the county court, whose terms of office shall be four years. But the general assembly may create districts of two or more contiguous counties, in each

of which shall be elected one judge, who shall take the place of and exercise the powers and jurisdiction of county judges in such districts. County courts shall be courts of record, and shall have original jurisdiction in all matters of probate, settlement of estates of deceased persons, appointment of guardians and conservators and settlements of their accounts, in all matters relating to apprentices, and in proceedings for the collection of taxes and assessments, and such other jurisdiction as may be provided for by general law.

*Sec. 19.* Appeals and writs of error shall be allowed from final determinations of county courts, as may be provided by law.

#### PROBATE COURTS.

*Sec. 20.* The general assembly may provide for the establishment of a probate court in each county having a population of over fifty thousand, and for the election of a judge thereof, whose term of office shall be the same as that of the county judge, and who shall be elected at the same time and in the same manner. Said courts, when established, shall have original jurisdiction of all probate matters, the settlement of estates of deceased persons, the appointment of guardians and conservators, and settlements of their accounts; in all matters relating to apprentices, and in cases of sales of real estate of deceased persons for the payment of debts.

#### JUSTICES OF THE PEACE AND CONSTABLES.

*Sec. 21.* Justices of the peace, police magistrates and constables shall be elected in and for such districts as are, or may be, provided by law, and the jurisdiction of such justices of the peace and police magistrates shall be uniform.



## STATE'S ATTORNEY.

*Sec. 22.* At the election for members of the general assembly in the year of our Lord one thousand eight hundred and seventy-two, and every four years thereafter, there shall be elected a State's attorney in and for each county, in lieu of the State's attorneys not provided by law, whose terms of office shall be four years.

## COURTS OF COOK COUNTY.

*Sec. 23.* The County of Cook shall be one judicial circuit. The circuit court of Cook County shall consist of five judges until their number shall be increased as herein provided. The present judge of the recorder's court of the City of Chicago, and the present judge of the circuit court of Cook County, shall be two of said judges, and shall remain in office for the terms for which they were respectively elected, and until their successors shall be elected and qualified. The superior court of Chicago shall be continued and called the "Superior Court of Cook County." The general assembly may increase the number of said judges, by adding one to either of said courts for every additional fifty thousand inhabitants in said county over and above a population of four hundred thousand. The terms of office of the judges of said courts, hereafter elected, shall be six years.

*Sec. 24.* The judge having the shortest unexpired term shall be chief justice of the court of which he is a judge. In case there are two or more whose terms expire at the same time, it may be determined by lot which shall be chief justice. Any judge of either of said courts shall have all the powers of a circuit judge, and may hold the court of which he is a

member. Each of them may hold a different branch thereof at the same time.

*Sec. 25.* The judges of the superior and circuit courts, and the State's attorney, in said county, shall receive the same salaries, payable out of the State treasury, as is or may be paid from said treasury to the circuit judges and State's attorneys of the State, and such further compensation, to be paid by the County of Cook, as is or may be provided by law. Such compensation shall not be changed during their continuance in office.

*Sec. 26.* The recorder's court of the city of Chicago shall be continued, and shall be called the "Criminal Court of Cook County." It shall have the jurisdiction of a circuit court in all cases of criminal and *quasi* criminal nature, arising in the County of Cook, or that may be brought before said court pursuant to law; and all recognizances and appeals taken in said county, in criminal and *quasi* criminal cases, shall be returnable and taken to said court. It shall have no jurisdiction in civil cases, except in those on behalf of the people, and incident to such criminal or *quasi* criminal matters, and to dispose of unfinished business. The terms of said criminal court of Cook County shall be held by one or more of the judges of the circuit or superior court of Cook County, as nearly as may be in alteration, as may be determined by said judges, or provided by law. Said judges shall be *ex officio* judges of said court.

*Sec. 27.* The present clerk of the recorder's court of the city of Chicago shall be the clerk of the criminal court of Cook County during the term for which he was elected. The present clerks of the superior court of Chicago, and the present clerk of the circuit court of Cook County, shall continue

in office during the terms for which they were respectively elected; and thereafter there shall be but one clerk of the superior court, to be elected by the qualified electors of said county, who shall hold his office for the term of four years, and until his successor is elected and qualified.

*Sec. 28.* All justices of the peace in the city of Chicago shall be appointed by the governor, by and with the advice and consent of the senate (but only upon the recommendation of a majority of the judges of the circuit, superior and county courts), and for such districts as are now or shall hereafter be provided by law. They shall hold their offices for four years, and until their successors have been commissioned and qualified, but they may be removed by summary proceeding in the circuit or superior court, for extortion or other malfeasance. Existing justices of the peace and police magistrates may hold their offices until the expiration of their respective terms.

#### GENERAL PROVISIONS.

*Sec. 29.* All judicial officers shall be commissioned by the governor. All laws relating to courts shall be general and of uniform operation; and the organization, jurisdiction, powers, proceedings and practice of all courts of the same class or grade, so far as regulated by law, and the force and effect of the process, judgments and decrees of such courts, severally, shall be uniform.

*Sec. 30.* The general assembly may, for cause entered on the journals, upon due notice and opportunity of defense, remove from office any judge, upon concurrence of three-fourths of all the members elected, of each house. All other officers in this article mentioned shall be removed from

office on prosecution and final conviction for misdemeanor in office.

*Sec. 31.* All judges of courts of record, inferior to the supreme court, shall, on or before the first day of June of each year, report in writing to the judges of the supreme court such defects and omissions in the laws as their experience may suggest; and the judges of the supreme court shall, on or before the first day of January of each year, report in writing to the governor such defects and omissions in the constitution and laws as they may find to exist, together with appropriate forms of bills to cure such defects and omissions in the laws. And the judges of the several circuit courts shall report to the next general assembly the number of days they have held court in the several counties composing their respective circuits, the preceding two years.

*Sec. 32.* All officers provided for in this article shall hold their offices until their successors shall be qualified, and they shall, respectively, reside in the division, circuit, county or district for which they may be elected or appointed. The terms of office of all such officers, where not otherwise prescribed in this article, shall be four years. All officers, where not otherwise provided for in this article, shall perform such duties and receive such compensation as is or may be provided by law. Vacancies in such elective offices shall be filled by election; but where the unexpired term does not exceed one year the vacancy shall be filled by appointment, as follows: Of judges, by the governor; of clerks of courts, by the court to which the office appertains, or by the judge or judges thereof; and of all such other offices, by the board of supervisors, or board of county commissioners, in the county where the vacancy occurs.



*Sec. 33.* All process shall run: *In the name of the People of the State of Illinois*; and all prosecutions shall be carried on: *In the name and by the authority of the People of the State of Illinois*; and conclude: *Against the peace and dignity of the same.* "Population," wherever used in this article, shall be determined by the next preceding census of this State, or of the United States.

## ARTICLE VII.

### SUFFRAGE.

*Section 1.* Every person having resided in this State one year, in the county ninety days and in the election district thirty days next preceding any election therein, who was an elector in this State on the first day of April, in the year of our Lord, one thousand eight hundred and forty-eight, or obtained a certificate of naturalization, before any court of record in this State, prior to the first day of January, in the year of our Lord one thousand eight hundred and seventy, or who shall be a male citizen of the United States, above the age of twenty-one years, shall be entitled to vote at such election.

*Sec. 2.* All votes shall be by ballot.

*Sec. 3.* Electors shall, in all cases except treason, felony or breach of the peace, be privileged from arrest during their attendance at elections and in going to and returning from the same. And no elector shall be required to do military duty on the days of election except in time of war or public danger.

*Sec. 4.* No elector shall be deemed to have lost his residence in this State by reason of his absence on business of the United States or of this State, or in the military or naval service of the United States.

*Sec. 5.* No soldier, seaman or marine in the army or navy of the United States shall be deemed a resident of this State in consequence of being stationed therein.

*Sec. 6.* No person shall be elected or appointed to any office in this State, civil or military, who is not a citizen of the United States, and who shall not have resided in this State one year next preceding the election or appointment.

*Sec. 7.* The general assembly shall pass laws excluding from the right of suffrage persons convicted of infamous crimes.

## ARTICLE VIII.

### EDUCATION.

*Section 1.* The general assembly shall provide a thorough and efficient system of free schools whereby all children of this State may receive a good common school education.

*Sec. 2.* All lands, moneys or other property, donated, granted or received for school, college, seminary or university purposes, and the proceeds thereof, shall be faithfully applied to the objects for which such gifts or grants were made.

*Sec. 3.* Neither the general assembly nor any county, city, town, township, school district or other public corporation shall ever make any appropriation or pay from any public fund whatever, anything in aid of any church or sectarian purpose, or to help support or sustain any school, academy, seminary, college, university or other literary or scientific institution, controlled by any church or sectarian denomination whatever; nor shall any grant or donation of land, money or other personal property ever be made by the State or any such public corporation to any church or for any sectarian purpose.

*Sec. 4.* No teacher, State, county, township or district school officer shall be interested in the sale, proceeds or profits of any book, apparatus or furniture, used or to be used in any school in this State, with which such officer or teacher may be connected, under such penalties as may be provided by the general assembly.

*Sec. 5.* There may be a county superintendent of schools in each county, whose qualification, powers, duties, compensation and time and manner of election and term of office shall be prescribed by law.

## ARTICLE IX.

### REVENUE.

*Section 1.* The general assembly shall provide such revenue as may be needful by levying a tax, by valuation, so that every person and corporation shall pay a tax in proportion to the value of his, her or its property — such value to be ascertained by some person or persons to be elected or appointed in such manner as the general assembly shall direct, and not otherwise; but the general assembly shall have power to tax peddlers, auctioneers, brokers, hawkers, merchants, commission merchants, showmen, jugglers, inn-keepers, grocery-keepers, liquor-dealers, toll-bridges, ferries, insurance, telephone and express interests or business, venders of patents and persons or corporations owning or using franchises and privileges, in such manner as it shall from time to time direct by general law, uniform as to the class upon which it operates.

*Sec. 2.* The specification of the objects and subjects of taxation shall not deprive the general assembly of the power to require other subjects or objects to be taxed, in such man-

ner as may be consistent with the principal of taxation fixed in his constitution.

*Sec. 3.* The property of the State, counties, and other municipal corporations, both real and personal, and such other property as may be used exclusively for agricultural and horticultural societies, for school, religious, cemetery and charitable purposes, may be exempted from taxation; but such exemption shall be only by general law. In the assessment of real estate, incumbered by public easement, any depreciation occasioned by such easement may be deducted in the valuation of such property.

*Sec. 4.* The general assembly shall provide, in all cases where it may be necessary to sell real estate for the non-payment of taxes or special assessments, for State, county, municipal, or other purposes, that a return of such unpaid taxes or assessments shall be made to some general officer of the county having authority to receive State and county taxes; and there shall be no sale of said property for any of said taxes or assessments but by said officer, upon the order or judgment of some court of record.

*Sec. 5.* The right of redemption from all sales of real estate for the non-payment of taxes or special assessments of any character whatever, shall exist in favor of owners and persons interested in such real estate for a period of not less than two years from such sales thereof. And the general assembly shall provide, by law, for reasonable notice to be given to the owners or parties interested, by publication or otherwise, of the fact of the sale of the property for such taxes or assessments, and when the time of redemption shall expire: *Provided*, that occupants shall in all cases be served with personal notice before the time of redemption expires.



*Sec. 6.* The general assembly shall have no power to release or discharge any county, city, township, town or district whatever, or the inhabitants thereof, or the property therein, from their or its proportionate share of taxes to be levied for State purposes, nor shall commutation for such taxes be authorized in any form whatsoever.

*Sec. 7.* All taxes levied for State purposes shall be paid into the State treasury.

*Sec. 8.* County authorities shall never assess taxes the aggregate of which shall exceed seventy-five cents per one hundred dollars valuation, except for the payment of indebtedness existing at the adoption of this constitution, unless authorized by a vote of the people of the county.

*Sec. 9.* The general assembly may vest the corporate authorities of cities, towns and villages with power to make local improvements by special assessment or by special taxation of contiguous property, or otherwise. For all other corporate purposes, all municipal corporations may be vested with authority to assess and collect taxes; but such taxes shall be uniform in respect to persons and property within the jurisdiction of the body imposing the same.

*Sec. 10.* The general assembly shall not impose taxes upon municipal corporations, or the inhabitants or property thereof, for corporate purposes, but shall require that all the taxable property within the limits of municipal corporations shall be taxed for the payment of debts contracted under authority of law, such taxes to be uniform in respect to persons and property within the jurisdiction of the body imposing the same. Private property shall not be liable to be taken or sold for the payment of the corporate debts of a municipal corporation.

*Sec. 11.* No person who is in default, as collector or custodian of money or property belonging to a municipal corporation, shall be eligible to any office in or under such corporation. The fees, salary or compensation of no municipal officer who is elected or appointed for a definite term of office shall be increased or diminished during such term.

*Sec. 12.* No county, city, township, school district, or other municipal corporation shall be allowed to become indebted in any manner or for any purpose to an amount, including existing indebtedness in the aggregate exceeding five per centum on the value of the taxable property therein, to be ascertained by the last assessment for State and county taxes previous to the incurring of such indebtedness. Any county, city, school district, or other municipal corporation incurring any indebtedness as aforesaid, shall before, or at the time of doing so, provide for the collection of a direct annual tax sufficient to pay the interest on such debt as it falls due, and also to pay and discharge the principal thereof within twenty years from the time of contracting the same. This section shall not be construed to prevent any county, city, township, school district, or other municipal corporation, from issuing their bonds in compliance with any vote of the people which may have been had prior to the adoption of this constitution in pursuance of any law providing therefor.

*Sec. 13.* The corporate authorities of the city of Chicago, are hereby authorized to issue interest-bearing bonds of said city to an amount not exceeding five million dollars, at a rate of interest not to exceed five per centum per annum, the principal payable within thirty years from the date of their issue, and the proceeds thereof shall be paid to the treasurer of the World's Columbian Exposition, and used and

disbursed by him under the direction and control of the directors, in aid of the World's Columbian Exposition, to be held in the city of Chicago, in pursuance of an act of Congress of the United States.

*Provided*, That if at the election for the adoption of this amendment to the constitution, a majority of the votes cast within the limits of the city of Chicago, shall be against its adoption, then no bonds shall be issued under this amendment.

And said corporate authorities shall be repaid as large a proportionate amount of the aid given by them as is repaid to the stockholders on the sums subscribed and paid by them, and the money so received shall be used in the redemption of the bonds issued as aforesaid, provided that said authorities may take in whole or in part of the sum coming to them any permanent improvements placed on land held or controlled by them.

*And, provided further*, That no such indebtedness so created shall in any part thereof be paid by the State, or from any State revenue, tax or fund, but the same shall be paid by the said city of Chicago alone.\*

## ARTICLE X.

### COUNTIES.

*Section 1.* No new county shall be formed or established by the general assembly which will reduce the county or

\* This added section was proposed by the General Assembly at the special session, 1890, ratified by a vote of the people November 4th, 1890, and at such election a majority of the votes cast within the limits of the city of Chicago were cast in favor of its adoption, and it was proclaimed adopted by the Governor.

counties, or either of them, from which it shall be taken to less contents than four hundred square miles; nor shall any county be formed of less contents; nor shall any line thereof pass within less than ten miles of any county seat of the county or counties proposed to be divided.

*Sec. 2.* No county shall be divided, or have any part stricken therefrom, without submitting the question to a vote of the people of the county, nor unless a majority of all the legal voters of the county voting on the question shall vote for the same.

*Sec. 3.* There shall be no territory stricken from any county, unless a majority of the voters living in such territory shall petition for such division; and no territory shall be added to any county without the consent of the majority of the voters of the county to which it is proposed to be added. But the portion so stricken off and added to another county, or formed in whole or in part into a new county, shall be holden for, and obliged to pay its proportion of, the indebtedness of the county from which it has been taken.

#### COUNTY SEATS.

*Sec. 4.* No county seat shall be removed until the point to which it is proposed to be removed shall be fixed in pursuance of law, and three-fifths of the voters of the county, to be ascertained in such manner as shall be provided by general law, shall have voted in favor of its removal to such point; and no person shall vote on such questions who has not resided in the county six months, and in the election precinct ninety days next preceding such election. The question of the removal of a county seat shall not be oftener submitted than once in ten years, to a vote of the people. But



when an attempt is made to remove a county seat to a point nearer to the center of a county, then a majority vote only shall be necessary.

#### COUNTY GOVERNMENT.

*Sec. 5.* The general assembly shall provide, by general law, for township organization, under which any county may organize whenever a majority of the legal voters of such county, voting at any general election, shall so determine; and whenever any county shall adopt township organization, so much of this constitution as provides for the management of the fiscal concerns of the said county by the board of county commissioners, may be dispensed with, and the affairs of said county may be transacted in such manner as the general assembly may provide. And in any county that shall have adopted a township organization, the question of continuing the same may be submitted to a vote of the electors of such county, at a general election, in the manner that now is or may be provided by law; and if a majority of all the votes cast upon that question shall be against township organization, then such organization shall cease in said county and all laws in force in relation to counties not having township organization, shall immediately take effect and be in force in such county. No two townships shall have the same name, and the day of holding the annual township meeting shall be uniform throughout the State.

*Sec. 6.* At the first election of county judges under this constitution, there shall be elected in each of the counties in this State, not under township organization, three officers, who shall be styled, "The board of county commissioners," who shall hold sessions for the transaction of county business

as shall be provided by law. One of said commissioners shall hold his office for one year, one for two years, and one for three years, to be determined by lot; and every year thereafter one such officer shall be elected in each of said counties for the term of three years.

*Sec. 7.* The county affairs of Cook County shall be managed by a board of Commissioners of fifteen persons, ten of whom shall be elected from the city of Chicago and five from towns outside of said city, in such manner as may be provided by law.

#### COUNTY OFFICERS AND THEIR COMPENSATION \*

*Sec. 8.* In each county there shall be elected the following county officers, at the general election to be held on the Tuesday after the first Monday in November, A.D. 1882: A county judge, county clerk, sheriff and treasurer, and at the election to be held on the Tuesday after the first Monday in November, A. D. 1884, a coroner and clerk of the circuit court (who may be *ex officio* recorder of deeds, except in counties having sixty thousand and more inhabitants, in which counties a recorder of deeds shall be elected at the general election in 1884). Each of said officers shall enter upon the duties of his office, reselectively, on the first Monday of December after his election, and they shall hold their respective offices for the term of four years, and until their successors are elected and qualified: *Provided*, that no person having once been elected to the office of sheriff or treasurer, shall be eligible to

\* As modified by the second amendment to the Constitution of 1870. The joint resolution was adopted by the Senate March 4, 1879, and by the House May 22, 1879. It was adopted by the vote of the people November 2, 1880, and proclaimed ratified November 22, 1880.

re-election to said office for four years after the expiration of the term for which he shall have been elected.

*Sec. 9.* The clerks of all courts of record, the treasurer, sheriff, coroner and recorder of deeds of Cook County, shall receive as their only compensation for their services, salaries to be fixed by law, which shall in no case be as much as the lawful compensation of a judge of the circuit court of said county and shall be paid, respectively, only out of the fees of the office actually collected. All fees, perquisites and emoluments (above the amount of said salaries) shall be paid into the county treasury. The number of the deputies and assistants of such officers shall be determined by rule of the circuit court, to be entered of record, and their compensation shall be determined by the county board.

*Sec. 10.* The county board, except as provided in section nine of this article, shall fix the compensation of all county officers, with the amount of their necessary clerk hire, stationery, fuel, and other expenses, and in all cases where fees are provided for, said compensation shall be paid only out of, and shall in no instance exceed, the fees actually collected; they shall not allow either of them more per annum than fifteen hundred dollars, in counties not exceeding twenty thousand inhabitants; two thousand dollars, in counties containing twenty thousand and not exceeding thirty thousand inhabitants; twenty-five hundred dollars, in counties containing thirty thousand and not exceeding fifty thousand inhabitants; three thousand dollars, in counties containing fifty thousand and not exceeding seventy thousand inhabitants; thirty-five hundred dollars, in counties containing seventy thousand and not exceeding one hundred thousand inhabitants; and four thousand dollars, in counties containing

over one hundred thousand, and not exceeding two hundred and fifty thousand inhabitants; and not more than one thousand dollars additional compensation for each additional one hundred thousand inhabitants: *Provided*, that the compensation of no officer shall be increased or diminished during his term of office. All fees or allowances by them received, in excess of their said compensation, shall be paid into the county treasury.

*Sec. 11.* The fees of township officers, and of each class of county officers, shall be uniform in the class of counties to which they respectively belong. The compensation herein provided for shall apply only to officers hereafter elected, but all fees established by special laws shall cease at the adoption of this constitution, and such officers shall receive only such fees as are provided by general law.

*Sec. 12.* All laws fixing the fees of State, county and township officers, shall terminate with the terms respectively of those who may be in office at the meeting of the first general assembly after the adoption of this constitution; and the general assembly shall, by general law, uniform in its operation, provide for and regulate the fees of said officers and their successors, so as to reduce the same to a reasonable compensation for services actually rendered. But the general assembly may, by general law, classify the counties by population into not more than three classes, and regulate the fees according to class. This article shall not be construed as depriving the general assembly of the power to reduce the fees of existing officers.

*Sec. 13.* Every person who is elected or appointed to any office in this State, who shall be paid in whole or in part by fees, shall be required by law to make a semi-annual report,



under oath, to some officer to be designated by law, of all his fees and emoluments.

## ARTICLE XI.

### CORPORATIONS.

*Section. 1* No corporation shall be created by special laws, or its charter extended, changed or amended, except those for charitable, educational, penal or reformatory purposes, which are to be and remain under the patronage and control of the State, but the general assembly shall provide, by general laws, for the organization of all corporations hereafter to be created.

*Sec. 2.* All existing charters or grants of special or exclusive privileges, under which organization shall not have taken place, or which shall not have been in operation within ten days from the time this constitution takes effect, shall thereafter have no validity or effect whatever.

*Sec. 3.* The general assembly shall provide, by law, that in all elections for directors or managers of incorporated companies every stockholder shall have the right to vote, in person, or by proxy, for the number of shares of stock owned by him, for as many persons as there are directors or managers to be elected, or to cumulate said shares, and give one candidate as many votes as the number of directors multiplied by the number of his shares of stock shall equal, or to distribute them on the same principle among as many candidates as he shall think fit; and such directors or managers shall not be elected in any other manner.

*Sec. 4.* No law shall be passed by the general assembly granting the right to construct and operate a street railroad

within any city, town or incorporated village, without requiring the consent of the local authorities having the control of the street or highway proposed to be occupied by such street railroad.

#### BANKS.

*Sec. 5.* No State bank shall hereafter be created, nor shall the State own or be liable for any stock in any corporation or joint stock company or association for banking purposes now created, or to be hereafter created. No act of the general assembly authorizing or creating corporations or associations with banking powers, whether of issue, deposit or discount, nor amendments thereto, shall go into effect or in any manner be in force, unless the same shall be submitted to a vote of the people at the general election next succeeding the passage of the same, and be approved by a majority of all the votes cast at such election for or against such law.

*Sec. 6.* Every stockholder in a banking corporation or institution shall be individually responsible and liable to its creditors, over and above the amount of stock by him or her held, to an amount equal to his or her respective shares so held, for all its liabilities accruing while he or she remains such stockholder.

*Sec. 7.* The suspension of specie payments by banking institutions, on their circulation, created by the laws of this State, shall never be permitted or sanctioned. Every banking association now, or which may hereafter be, organized under the laws of this State, shall make and publish a full and accurate quarterly statement of its affairs (which shall be certified to, under oath, by one or more of its officers) as may be provided by law.

*Sec. 8.* If a general banking law shall be enacted, it shall provide for the registry and countersigning, by an officer of State, of all bills or paper credit designed to circulate as money, and require security, to the full amount thereof, to be deposited with the state treasurer, in United States or Illinois State stocks, to be rated at ten percent below their par value; and in case of a depreciation of said stocks to the amount of ten percent below par, the bank or banks owning said stocks shall be required to make up said deficiency by depositing additional stocks. And said law shall also provide for the recording of the names of all stockholders in such corporations, the amount of stock held by each, the time of any transfer thereof, and to whom such transfer is made.

#### RAILROADS.

*Sec. 9.* Every railroad corporation organized or doing business in this State, under the laws or authority thereof, shall have and maintain a public office or place in this State for the transaction of its business, where transfers of stock shall be made, and in which shall be kept, for public inspection, books in which shall be recorded the amount of capital stock subscribed, and by whom; the names of the owners of its stock, and the amounts owned by them respectively; the amount of stock paid in, and by whom; the transfers of said stock; the amount of its assets and liabilities, and the names and place of residence of its officers. The directors of every railroad corporation shall annually make a report, under oath, to the auditor of public accounts, or some officer to be designated by law, of all their acts and doings, which report shall include such matters relating to railroads as may be

prescribed by law. And the general assembly shall pass laws enforcing by suitable penalties the provisions of this section.

*Sec. 10.* The rolling stock, and all other movable property belonging to any railroad company or corporation in this State, shall be considered personal property, and shall be liable to execution and sale in the same manner as the personal property of individuals, and the general assembly shall pass no law exempting any such property from execution and sale.

*Sec. 11.* No railroad corporation shall consolidate its stock, property or franchises with any other railroad corporation owning a parallel or competing line; and in no case shall any consolidation take place except upon public notice given, of at least sixty days, to all stockholders, in such manner as may be provided by law. A majority of the directors of any railroad corporation, now incorporated or hereafter to be incorporated by the laws of this State, shall be citizens and residents of this State.

*Sec. 12.* Railways heretofore constructed or that may hereafter be constructed in this State, are hereby declared public highways, and shall be free to all persons for the transportation of their persons and property thereon, under such regulations as may be prescribed by law. And the general assembly shall, from time to time, pass laws establishing reasonable maximum rates of charges for the transportation of passengers and freight on the different railroads in this State.

*Sec. 13.* No railroad corporation shall issue any stock or bonds, except for money, labor, or property actually received and applied to the purposes for which such corporation was created; and all stock dividends, and other fictitious



increase of capital stock or indebtedness of any such corporation, shall be void. The capital stock of no railroad corporation shall be increased for any purpose, except upon giving sixty days' public notice, in such manner as may be provided by law.

*Sec. 14.* The exercise of the power and the right of eminent domain shall never be so construed or abridged as to prevent the taking, by the general assembly, of the property and franchises of incorporated companies already organized, and subjecting them to the public necessity the same as of individuals. The right of trial by jury shall be held inviolate in all trials of claims for compensation, when, in the exercise of the said right of eminent domain, any incorporated company shall be interested either for or against the exercise of said right.

*Sec. 15.* The general assembly shall pass laws to correct abuses and prevent unjust discrimination and extortion in the rates of freight and passenger tariffs on the different railroads in this State, and enforce such laws by adequate penalties, to the extent, if necessary for that purpose, of forfeiture of their property and franchises.

## ARTICLE XII.

### MILITIA.

*Section 1.* The militia of the State of Illinois shall consist of all able-bodied male persons, resident in the State, between the ages of eighteen and forty-five, except such persons as now are or hereafter may be exempted by the laws of the United States or of this State.

*Sec. 2.* The general assembly, in providing for the or-

ganization, equipment and discipline of the militia, shall conform as nearly as practicable to the regulations for the government of the armies of the United States.

*Sec. 3.* All militia officers shall be commissioned by the governor, and may hold their commissions for such time as the general assembly may provide.

*Sec. 4.* The militia shall, in all cases except treason, felony, or breach of the peace, be privileged from arrest during their attendance at musters and elections, and in going to and returning from the same.

*Sec. 5.* The military records, banners and relics of the State shall be preserved as an enduring memorial of the patriotism and valor of Illinois, and it shall be the duty of the general assembly to provide by law for the safe-keeping of the same.

*Sec. 6.* No person having conscientious scruples against bearing arms shall be compelled to do militia duty in time of peace: *Provided*, such person shall pay an equivalent for such exemption.

## ARTICLE XIII.

### WAREHOUSES.

*Section. 1.* All elevators or storehouses where grain or other property is stored for a compensation, whether the property stored be kept separate or not, are declared to be public warehouses.

*Sec. 2.* The owner, lessee or manager of each and every public warehouse situated in any town or city of not less than one hundred thousand inhabitants, shall make weekly statements under oath, before some officer to be designated by law, and keep the same posted in some conspicuous place in

the office of such warehouse, and shall also file a copy for public examination in such place as shall be designated by law, which statement shall correctly set forth the amount and grade of each and every kind of grain in such warehouse, together with such other property as may be stored therein, and what warehouse receipts have been issued, and are, at the time of making such statement, outstanding therefor; and shall, on the copy posted in the warehouse, note daily such changes as may be made in the quantity and grade of grain in such warehouse; and the different grades of grain shipped in separate lots shall not be mixed with inferior or superior grades without the consent of the owner or consignee thereof.

*Sec. 3.* The owners of property stored in any warehouse, or holder of a receipt for the same, shall always be at liberty to examine such property stored, and all the books and records of the warehouse, in regard to such property.

*Sec. 4.* All railroad companies and other common carriers on railroads shall weigh or measure grain at points where it is shipped and receipt for the full amount, and shall be responsible for the delivery of such amount to the owner or consignee thereof, at the place of destination.

*Sec. 5.* All railroad companies receiving and transporting grain in bulk or otherwise, shall deliver the same to any consignee thereof, or any elevator or public warehouse to which it may be consigned, provided such consignee or the elevator or public warehouse can be reached by any track owned, leased or used, or which can be used, by such railroad companies; and all railroad companies shall permit connections to be made with their track, so that any such consignee and any public warehouse, coal bank or coal yard may be reached by the cars on said railroad.

*Sec. 6.* It shall be the duty of the general assembly to pass all necessary laws to prevent the issue of false and fraudulent warehouse receipts, and to give full effect to this article of the constitution, which shall be liberally construed so as to protect producers and shippers. And the enumeration of the remedies herein named shall not be construed to deny to the general assembly the power to prescribe by law such other and further remedies as may be found expedient, or to deprive any person of existing common law remedies.

*Sec. 7.* The general assembly shall pass laws for the inspection of grain, for the protection of producers, shippers and receivers of grain and produce.

## ARTICLE XIV.

### AMENDMENTS TO THE CONSTITUTION.

*Section 1.* Whenever two-thirds of the members of each house of the general assembly shall, by a vote entered upon the journals thereof, concur that a convention is necessary to revise, alter or amend the constitution, the question shall be submitted to the electors at the next general election. If a majority voting at the election vote for a convention, the general assembly shall, at the next session, provide for a convention, to consist of double the number of members of the senate, to be elected in the same manner, at the same places, and in the same districts. The general assembly shall, in the act calling the convention, designate the day, hour and place of its meeting, fix the pay of its members and officers, and provide for the payment of the same, together with the expenses necessarily incurred by the convention in the performance of its duties. Before proceeding, the members shall take an



oath to support the Constitution of the United States, and of the State of Illinois, and to faithfully discharge their duties as members of the convention. The qualification of members shall be the same as that of members of the senate, and vacancies occurring shall be filled in the manner provided for filling vacancies in the general assembly. Said convention shall meet within three months after such election, and prepare such revision, alteration or amendments of the constitution as shall be deemed necessary, which shall be submitted to the electors for their ratification or rejection at an election appointed by the convention for that purpose, not less than two nor more than six months after the adjournment thereof; and unless so submitted, and approved by a majority of the electors voting at the election, no such revision, alteration or amendments shall take effect.

*Sec. 2.* Amendments to this constitution may be proposed in either house of the general assembly, and if the same shall be voted for by two-thirds of all the members elected to each of the two houses, such proposed amendments, together with the yeas and nays of each house thereon, shall be entered in full on their respective journals, and said amendments shall be submitted to the electors of this State for adoption or rejection, at the next election of members of the general assembly, in such manner as may be prescribed by law. The proposed amendments shall be published in full at least three months preceding the election, and if a majority of the electors voting at said election shall vote for the proposed amendments, they shall become a part of this constitution. But the general assembly shall have no power to propose amendments to more than one article of this constitution at the same session, nor to the same article oftener than once in four years.

## SECTIONS SEPARATELY SUBMITTED \*

## ILLINOIS CENTRAL RAILROAD.

No contract, obligation, or liability whatever, of the Illinois Central Railroad Company to pay any money into the State treasury, nor any lien of the State upon, or right to tax property of said company, in accordance with the provisions of the charter of said company, approved February tenth, in the year of our Lord one thousand eight hundred and fifty-one, shall ever be released, suspended, modified, altered, remitted, or in any manner diminished or impaired by legislative or other authority; and all moneys derived from said company, after the payment of the State debt, shall be appropriated and set apart for the payment of the ordinary expenses of the State government, and for no other purposes whatever.

## MINORITY REPRESENTATION.

[See Sections 7 and 8, Article IV.]

## MUNICIPAL SUBSCRIPTIONS TO RAILROADS OR PRIVATE CORPORATIONS.

No county, city, town, township, or other municipality, shall ever become subscriber to the capital stock of any railroad or private corporation, or make donation to or loan its credit in aid of such corporation: *Provided, however,* that the adoption of this article shall not be construed as affecting the right of any such municipality to make such subscriptions where the same have been authorized, under

\* These sections were separately submitted to the vote of the people: they went into effect as law July 2, 1870.

existing laws, by a vote of the people of such municipalities prior to such adoption.

#### CANAL.

[RAILROAD STATE AID PROHIBITED.]

The Illinois and Michigan Canal shall never be sold or leased until the specific proposition for the sale or lease thereof shall first have been submitted to a vote of the people of the State, at a general election, and have been approved by a majority of all the votes polled at such election. The general assembly shall never loan the credit of the State, or make appropriations from the treasury thereof, in aid of railroads or canals: *Provided*, that any surplus earnings of any canal may be appropriated for its enlargement or extension.

#### SCHEDULE.

That no inconvenience may arise from the alterations and amendments made in the Constitution of this State, and to carry the same into complete effect, it is hereby ordained and declared:

*Section 1.* That all laws in force at the adoption of this Constitution, not inconsistent therewith, and all rights, actions, prosecutions, claims and contracts of the State, individuals, or bodies corporate, shall continue to be as valid as if this constitution had not been adopted.

*Sec. 2.* That all fines, taxes, penalties and forfeitures, due and owing to the State of Illinois under the present constitution and laws, shall inure to the use of the people of the State of Illinois, under this constitution.

*Sec. 3.* Recognizances, bonds, obligations, and all other instruments entered into or executed before the adoption

of this constitution, to the people of the State of Illinois, to any State or county officer, or public body, shall remain binding and valid; and rights and liabilities upon the same shall continue, and all crimes and misdemeanors shall be tried and punished as though no change had been made in the constitution of this State.

*Sec. 4.* County courts for the transaction of county business in counties not having adopted township organization shall continue in existence, and exercise their present jurisdiction until the board of county commissioners provided in this constitution is organized in pursuance of an act of the general assembly; and the county courts in all other counties shall have the same power and jurisdiction they now possess until otherwise provided by law.

*Sec. 5.* All existing courts which are not in this constitution specifically enumerated shall continue in existence and exercise their present jurisdiction until otherwise provided by law.

*Sec. 6.* All persons now filling any office or appointment shall continue in the exercise of the duties thereof according to their respective commissions or appointments, unless by this constitution it is otherwise directed.

[Sections 7 to 17, both inclusive, providing for the submission of this constitution and voting thereon by the people, became inoperative by the adoption of this constitution.]

*Sec. 7.* On the day this constitution is submitted to the people for ratification an election shall be held for judges of the supreme court in the second, third, sixth and seventh judicial election districts designated in this constitution, and for the election of three judges of the circuit court in the



county of Cook, as provided for in the article of this constitution relating to the judiciary, at which election every person entitled to vote, according to the terms of this constitution, shall be allowed to vote, and the election shall be otherwise conducted, returns made, and certificates issued, in accordance with existing laws, except that no registry shall be required at said election: *Provided*, that at said election in the county of Cook no elector shall vote for more than two candidates for circuit judge. If, upon canvassing the votes for and against the adoption of this constitution, it shall appear that there has been polled a greater number of votes against than for it, then no certificates of election shall be issued for any of said supreme or circuit judges.

*Sec. 8.* This constitution shall be submitted to the people of the State of Illinois for adoption or rejection at an election to be held on the first Saturday in July, in the year of our Lord one thousand eight hundred and seventy, and there shall be separately submitted at the same time, for adoption or rejection, sections nine, ten, eleven, twelve, thirteen, fourteen and fifteen relating to railroads, in the article entitled "Corporations," the article entitled "Counties," the article entitled "Warehouses," the question of requiring a three-fifths vote to remove a county seat, the section relating to the Illinois Central Railroad, the section in relation to minority representation, the section relating to municipal subscriptions to railroads or private corporations, and the section relating to the canal. Every person entitled to vote under the provisions of this constitution, as defined in the article in relation to suffrage, shall be entitled to vote for the adoption or rejection of this constitution, and for or against the articles, sections and questions aforesaid, separately sub-

mitted, and the said qualified electors shall vote at the usual places of voting, unless otherwise provided; and the said election shall be conducted, and returns thereof made, according to the laws now in force regulating general elections, except that no registry shall be required at said election: *Provided, however,* that the polls shall be kept open for the reception of ballots until sunset of said day of election.

*Sec. 9.* The secretary of state shall, at least twenty days before said election, cause to be delivered to the county clerk of each county, blank poll-books, tally-sheets, and forms of return and twice the number of properly prepared printed ballots for the said election that there are voters in such county, the expense whereof shall be audited and paid as other public printing ordered by the secretary of state is, by law, required to be audited and paid, and the several county clerks shall at least five days before said election, cause to be distributed to the board of election, in each election district in their respective counties, said blank poll-books, tally-lists, forms of return, and tickets.

*Sec. 10.* At the said election the ballots shall be in the following form:

NEW CONSTITUTION TICKET.

For all the propositions on this ticket which are not cancelled with ink or pencil, and against all propositions which are so cancelled.

For the new constitution.

For the sections relating to railroads in the article entitled "Corporations."

For the article entitled "Counties."

For the article entitled "Warehouses."

For a three-fifths vote to remove county seats.

For the section relating to the Illinois Central Railroad.

For the section relating to minority representation.

For the section relating to municipal subscriptions to railroads or private corporations.

For the section relating to the canal.

Each of said tickets shall be counted as a vote cast for each proposition thereon not cancelled with ink or pencil, and against each proposition so cancelled, and returns thereof shall be made accordingly by the judges of election.

*Sec. 11.* The returns of the whole vote cast, and of the votes for the adoption or rejection of this constitution, and for or against the articles and sections respectively submitted, shall be made by the several county clerks, as is now provided by law, to the secretary of state, within twenty days after the election, and the returns of said votes shall, within five days thereafter, be examined and canvassed by the auditor, treasurer and secretary of state, or any two of them, in the presence of the governor, and proclamation shall be made by the governor forthwith of the result of the canvass.

*Sec. 12.* If it shall appear that a majority of the votes polled are "for the new constitution," then so much of this constitution as was not separately submitted to be voted on by articles and sections, shall be the supreme law of the State of Illinois on and after Monday, the eighth day of August, in the year of our Lord one thousand eight hundred and seventy; but if it shall appear that a majority of the votes polled were "against the new constitution," then so much thereof as was not separately submitted to be voted on by articles and sections shall be null and void.

If it shall appear that a majority of the votes polled are

“for the sections relating to railroads in the article entitled ‘Corporations,’” sections nine, ten, eleven, twelve, thirteen, fourteen and fifteen, relating to railroads in the said article, shall be a part of the constitution of this State, but if a majority of said votes are against such sections, they shall be null and void. If a majority of the votes polled are “for the article entitled ‘Counties,’” such article shall be part of the constitution of this State, and shall be substituted for article seven, in the present constitution, entitled ‘Counties’; but if a majority of said votes are against such article the same shall be null and void. If a majority of the votes polled are “for the article entitled ‘Warehouses,’” such article shall be part of the constitution of this State; but if a majority of the votes are against said article, the same shall be null and void. If a majority of the votes polled are for either of the sections separately submitted, relating respectively to the “Illinois Central Railroad,” “minority representation,” “municipal subscriptions to railroads or private corporations,” and the “canal,” then such of said sections as shall receive such majority shall be a part of the constitution of this State; but each of said sections so separately submitted against which respectively there shall be a majority of the votes polled, shall be null and void: *Provided*, that the section relating to “minority representation” shall not be declared adopted unless the portion of the constitution not separately submitted to be voted on by articles and sections shall be adopted; and in case said section relating to “minority representation” shall become a portion of the constitution, it shall be substituted for sections seven and eight of the legislative article. If a majority of the votes cast at such election shall be for a three-fifths vote to remove



a county seat, then the words "a majority" shall be stricken out of section four of the article on Counties, and the words "three-fifths" shall be inserted in lieu thereof, and the following words shall be added to said section, *to-wit*: "But when an attempt is made to remove a county seat to a point nearer to the center of a county, then a majority vote only shall be necessary." If the foregoing proposition shall not receive a majority of the votes, as aforesaid, then the same shall have no effect whatever.

*Sec. 13.* Immediately after the adoption of this constitution, the governor and secretary of state shall proceed to ascertain and fix the apportionment of the State for members of the first house of representatives under this constitution. The apportionment shall be based upon the federal census of the year of our Lord one thousand eight hundred and seventy, of the State of Illinois, and shall be made strictly in accordance with the rules and principles announced in the article on the legislative department of this constitution: *Provided*, that in case the federal census aforesaid cannot be ascertained prior to Friday, the twenty-third day of September, in the year of our Lord one thousand eight hundred and seventy, then the said apportionment shall be based on the State census of the year of our Lord one thousand eight hundred and sixty-five, in accordance with the rules and principles aforesaid. The governor shall, on or before Wednesday, the twenty-eighth day of September, in the year of our Lord one thousand eight hundred and seventy, make official announcement of said apportionment, under the great seal of the State; and one hundred copies thereof, duly certified, shall be forthwith transmitted by the secretary of state to each county clerk for distribution.

*Sec. 14.* The districts shall be regularly numbered by the secretary of state, commencing with Alexander County as number one, and proceeding then northwardly through the State, and terminating with the County of Cook, but no county shall be numbered as more than one district, except the County of Cook, which shall constitute three districts, each embracing the territory contained in the now existing representative districts of said county. And on the Tuesday after the first Monday in November, in the year of our Lord one thousand eight hundred and seventy, the members of the first house of representatives under this constitution shall be elected according to the apportionment fixed and announced as aforesaid, and shall hold their offices for two years, and until their successors shall be elected and qualified.

*Sec. 15.* The senate, at its first session under this constitution, shall consist of fifty members, to be chosen as follows: At the general election held on the first Tuesday after the first Monday of November, in the year of our Lord one thousand eight hundred and seventy, two senators shall be elected in districts where the term of senators expires on the first Monday of January, in the year of our Lord one thousand eight hundred and seventy-one, or where there shall be a vacancy, and in the remaining districts one senator shall be elected. Senators so elected shall hold their office two years.

*Sec. 16.* The general assembly, at its first session held after the adoption of this constitution, shall proceed to apportion the State for members of the senate and house of representatives, in accordance with the provisions of the article on the legislative department.

*Sec. 17.* When this constitution shall be ratified by the people, the governor shall forthwith, after having ascertained

the fact, issue writs of election to the sheriffs of the several counties of the State, or in case of vacancies, to the coroners, for the election of all the officers the time of whose election is fixed by this constitution or schedule, and it shall be the duty of said sheriffs or coroners to give such notice of the time and place of said election as is now described by law.

*Sec. 18.* All laws of the State of Illinois and all official writings, and the executive, legislative and judicial proceedings, shall be conducted, preserved and published in no other than the English language.

*Sec. 19.* The general assembly shall pass all laws necessary to carry into effect the provisions of this constitution.

*Sec. 20.* The circuit clerks of the different counties having a population over sixty thousand shall continue to be recorders (*ex officio*) for their respective counties, under this constitution, until the expiration of their respective terms.

*Sec. 21.* The judges of all courts of record in Cook County shall, in lieu of any salary provided for in this constitution, receive the compensation provided by law until the adjournment of the first session of the general assembly after the adoption of this constitution.

*Sec. 22.* The present judge of the circuit court of Cook County shall continue to hold the circuit court of Lake County until otherwise provided by law.

*Sec. 23.* When this constitution shall be adopted and take effect as the supreme law of the State of Illinois, the two-mill tax provided to be annually assessed and collected upon each dollar's worth of taxable property, in addition to all other taxes, as set forth in article fifteen of the now existing constitution, shall cease to be assessed after the year of our Lord one thousand eight hundred and seventy.

*Sec. 24.* Nothing contained in this constitution shall be so construed as to deprive the general assembly of power to authorize the city of Quincy to create any indebtedness for railroad or municipal purposes for which the people of said city shall have voted and to which they shall have given, by such vote, their assent, prior to the thirteenth day of December, in the year of our Lord one thousand eight hundred and sixty-nine: *Provided*, that no such indebtedness so created shall, in any part thereof, be paid by the State or from any State revenue tax or fund, but the same shall be paid if at all, by the said city of Quincy alone, and by taxes to be levied upon the taxable property thereof. *And provided, further*, that the general assembly shall have no power in the premises that it could not exercise under the present constitution of the State.

*Sec. 25.* In case this constitution, and the articles and sections submitted separately be adopted, the existing constitution shall cease in all its provisions; and in case this constitution be adopted, and any one or more of the articles or sections submitted separately be defeated, the provisions of the existing constitution, if any, on the same subject shall remain in force.

*Sec. 26.* The provisions of this constitution required to be executed prior to the adoption or rejection thereof, shall take effect and be in force immediately.

[ATTESTATION.]

Done in convention at the capitol in the city of Springfield, on the thirteenth day of May, in the year of our Lord one



thousand eight hundred and seventy, and of the independence of the United States of America the ninety-fourth.

In witness whereof, we have hereunto subscribed our names.

CHARLES HITCHCOCK, *President.*

William J. Allen	Jesse C. Fox	Robert A. King
John Abbott	Miles A. Fuller	William P. Pierce
James C. Allen	John P. Gamble	N. J. Pillsbury
Elliott Anthony	Addison Goodell	John Scholfield
Wm. R. Archer	John C. Haines	James M. Sharp
Henry I. Atkins	Elijah M. Haines	Henry Sherrell
James G. Bayne	John W. Hankins	Wm. H. Snyder
R. M. Benjamin	R. P. Hanna	O. C. Skinner
H. P. H. Bromwell	Joseph Hart	Westel W. Sedgwick
O. H. Browning	Abel Harwood	Charles F. Springer
Wm. G. Bowman	Milton Hay	John L. Tincher
Silas L. Bryan	Samuel Snowden Hayes	C. Truesdale
H. P. Buxton	Jesse S. Hildrup	Henry Tubbs
Daniel Cameron	Jas. McCoy	Thomas J. Turner
William Cary	Charles E. McDowell	Wm. H. Underwood
Lawrence S. Church	William C. Goodhue	Wm. H. Vandeventer
Hiram H. Cody	Joseph Medill	Henry W. Wells
W. F. Coolbaugh	Clifton H. Moore	George E. Wait
Alfred M. Craig	Jonathan Merriam	George W. Wall
Robert J. Cross	Joseph Parker	R. B. Sunderland
Samuel P. Cummings	Samuel C. Parker	D. C. Wagner
John Dement	Peleg S. Perley	George R. Wendling
G. S. Eldridge	J. S. Poage	Chas. Wheaton
James W. English	Edward Y. Rice	L. D. Whiting
David Ellis	James P. Robinson	John H. Wilson
Ferris Forman	Lewis W. Ross	Orlando H. Wright

ATTEST: JOHN Q. HARMON, *Secretary.*

DANIEL SHEPARD, *First Assistant Secretary.*

A. H. SWAIN, *Second Assistant Secretary.*

## AMENDMENTS. \*

## CONTRACT CONVICT LABOR.

Hereafter it shall be unlawful for the commissioners of any penitentiary or other reformatory institution in the State of Illinois to let by contract to any person or persons, or corporations, the labor of any convict confined within said institution.

\* Proposed by joint resolution of the Thirty-fourth General Assembly adopted by vote of the people November 2, 1886, proclaimed ratified November 22, 1886.

## ARTICLES OF CONFEDERATION.

On June 11, 1776, Congress resolved that a committee should be appointed to prepare a form of confederation. This committee, appointed the following day, consisted of one member from each state. It reported on July 12, 1776, through John Dickinson, of Pennsylvania, a draft of articles of confederation. These were debated time and time again, and finally adopted November 15, 1777. It was not until March 1, 1781, however, that all the states signed the Articles, thus perfecting the league of states. From the beginning of the war up to March 2, 1781, the Congress exercised sovereign powers under an unwritten constitution, and on that day it met for the first time under a written constitution.

Following is the text :

### ARTICLES OF CONFEDERATION

TO ALL TO WHOM THESE PRESENTS SHALL COME,

*We, the undersigned, Delegates of the States affixed to our names,  
send greeting :*

Whereas the delegates of the United States of America in Congress assembled, did, on the fifteenth day of November, in the year of our Lord one thousand seven hundred and seventy-seven, and in the second year of the Independence of America, agree to certain Articles of Confederation and Perpetual Union,

between the States of New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, in the words following, viz.:

*Articles of Confederation and Perpetual Union between the States of New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia.*

ARTICLE I.—The style of this Confederacy shall be, “The United States of America.”

ART. II.—Each State retains its sovereignty, freedom and independence, and every power, jurisdiction and right, which is not by this Confederation expressly delegated to the United States in Congress assembled.

ART. III.—The said States hereby severally enter into a firm league of friendship with each other, for their common defense, the security of their liberties, and their mutual and general welfare, binding themselves to assist each other against all force offered to, or attacks made upon them, or any of them, on account of religion, sovereignty, trade, or any other pretense whatever.

ART. IV.—The better to secure and perpetuate mutual friendship and intercourse among the people of the different States in this Union, the free inhabitants of each of these States — paupers, vagabonds, and fugitives from justice excepted,—shall be entitled to all privileges and immunities of free citizens in the several States; and the people of each State shall have free ingress and regress to and from any other State, and shall enjoy



therein all the privileges of trade and commerce, subject to the same duties, impositions, and restrictions as the inhabitants thereof respectively; provided that such restrictions shall not extend so far as to prevent the removal of property imported into any State, to any other State of which the owner is an inhabitant; provided also, that no imposition, duties, or restriction shall be laid by any State on the property of the United States or either of them.

If any person guilty of, or charged with, treason, felony, or other high misdemeanor in any State shall flee from justice and be found in any of the United States, he shall, upon demand of the governor or executive power of the State from which he fled, be delivered up and removed to the State having jurisdiction of his offense.

Full faith and credit shall be given in each of these States to the records, acts, and judicial proceedings of the courts and magistrates of every other State.

ART. V.—For the more convenient management of the general interests of the United States, delegates shall be annually appointed in such manner as the legislature of each State shall direct, to meet in Congress on the first Monday in November, in every year, with a power reserved to each State to recall its delegates, or any of them, at any time within the year, and to send others in their stead for the remainder of the year.

No State shall be represented in Congress by less than two, nor by more than seven members; and no person shall be capable of being a delegate for more than three years in any term of six years; nor shall any person, being a delegate, be capable of holding any office under the United States, for which he, or another for his benefit, receives any salary, fees, or emolument of any kind.

Each State shall maintain its own delegates in any meeting of the States and while they act as members of the Committee of the States.

In determining questions in the United States in Congress assembled, each State shall have one vote.

Freedom of speech and debate in Congress shall not be impeached or questioned in any court or place out of Congress; and the members of Congress shall be protected in their persons from arrests and imprisonments during the time of their going to and from, and attendance on, Congress, except for treason, felony, or breach of the peace.

ART. VI.—No State, without the consent of the United States in Congress assembled, shall send any embassy to, or receive any embassy from, or enter into any conference, agreement, alliance, or treaty with, any king, prince, or state; nor shall any person holding any office of profit or trust under the United States, or any of them, accept of any present, emolument, office, or title of any kind whatever from any king, prince, or foreign state; nor shall the United States in Congress assembled, or any of them, grant any title of nobility.

No two or more States shall enter into any treaty, confederation, or alliance whatever between them, without the consent of the United States in Congress assembled, specifying accurately the purposes for which the same is to be entered into, and how long it shall continue.

No State shall lay any imposts or duties which may interfere with any stipulations in treaties entered into by the United States in Congress assembled, with any king, prince, or state, in pursuance of any treaties already proposed by Congress to the courts of France and Spain.

No vessels of war shall be kept up in time of peace by any

State, except such number only as shall be deemed necessary by the United States in Congress assembled, for the defense of such State or its trade; nor shall any body of forces be kept up by any State in time of peace, except such number only as, in the judgment of the United States in Congress assembled, shall be deemed requisite to garrison the forts necessary for the defense of such State: but every State shall always keep up a well-regulated and disciplined militia, sufficiently armed and accoutred, and shall provide and constantly have ready for use in public stores, a due number of field-pieces and tents, and a proper quantity of arms, ammunition, and camp equipage.

No State shall engage in any war without the consent of the United States in Congress assembled, unless such State be actually invaded by enemies, or shall have received certain advice of a resolution being formed by some nation of Indians to invade such a State, and the danger is so imminent as not to admit of a delay till the United States in Congress assembled can be consulted; nor shall any State grant commissions to any ships or vessels of war, nor letters of marque or reprisal, except it be after a declaration of war by the United States in Congress assembled, and then only against the kingdom or state, and the subjects thereof, against which war has been so declared, and under such regulations as shall be established by the United States in Congress assembled, unless such State be infested by pirates, in which case vessels of war may be fitted out for that occasion, and kept so long as the danger shall continue, or until the United States in Congress assembled shall determine otherwise.

ART. VII.—When land forces are raised by any State for the common defense, all officers of or under the rank of Colonel, shall be appointed by the legislature of each State respectively

by whom such forces shall be raised, or in such manner as such State shall direct, and all vacancies shall be filled up by the State which first made the appointment.

ART. VIII.—All charges of war, and all other expenses that shall be incurred for the common defense, or general welfare, and allowed by the United States in Congress assembled, shall be defrayed out of a common treasury, which shall be supplied by the several States in proportion to the value of all land within each State, granted to, or surveyed for, any person, as such land and the buildings and improvements thereon shall be estimated, according to such mode as the United States in Congress assembled shall from time to time direct and appoint.

The taxes for paying that proportion shall be laid and levied by the authority and direction of the legislatures of the several States, within the time agreed upon by the United States in Congress assembled.

ART. IX.—The United States in Congress assembled shall have the sole and exclusive right and power of determining on peace and war, except in the cases mentioned in the sixth article; of sending and receiving ambassadors; entering into treaties and alliances, provided that no treaty of commerce shall be made, whereby the legislative power of the respective States shall be restrained from imposing such imposts and duties on foreigners as their own people are subjected to, or from prohibiting the exportation or importation of any species of goods or commodities whatsoever; of establishing rules for deciding, in all cases, what captures on land or water shall be legal, and in what manner prizes taken by land or naval forces in the service of the United States shall be divided or appropriated; of granting letters of marque and reprisal in times of peace; appointing courts for the trial of piracies and felonies committed on the high seas; and



establishing courts for receiving and determining finally appeals in all cases of captures; provided that no member of Congress shall be appointed a judge of any of the said courts.

The United States in Congress assembled shall also be the last resort on appeal in all disputes and differences now subsisting, or that hereafter may arise between two or more States concerning boundary, jurisdiction, or any other cause whatever; which authority shall always be exercised in the manner following: whenever the legislative or executive authority, or lawful agent of any State in controversy with another, shall present a petition to Congress, stating the matter in question, and praying for a hearing, notice thereof shall be given by order of Congress to the legislative or executive authority of the other State in controversy, and a day assigned for the appearance of the parties by their lawful agents, who shall then be directed to appoint, by joint consent, commissioners or judges to constitute a court for hearing and determining the matter in question; but if they cannot agree, Congress shall name three persons out of each of the United States, and from the list of such persons each party shall alternately strike out one, the petitioners beginning, until the number shall be reduced to thirteen; and from that number not less than seven nor more than nine names, as Congress shall direct, shall, in the presence of Congress, be drawn out by lot; and the persons whose names shall be so drawn, or any five of them, shall be commissioners or judges, to hear and finally determine the controversy, so always as a major part of the judges who shall hear the cause shall agree in the determination; and if either party shall neglect to attend at the day appointed, without showing reasons which Congress shall judge sufficient, or being present, shall refuse to strike, the Congress shall proceed to nominate three persons out of each State, and the secretary of Con-

gress shall strike in behalf of such party absent or refusing; and the judgment and sentence of the court, to be appointed in the manner before prescribed, shall be final and conclusive; and if any of the parties shall refuse to submit to the authority of such court, or to appear or defend their claim or cause, the court shall nevertheless proceed to pronounce sentence or judgment, which shall in like manner be final and decisive; the judgment or sentence and other proceedings being in either case transmitted to Congress, and lodged among the acts of Congress for the security of the parties concerned; provided, that every commissioner, before he sits in judgment, shall take an oath, to be administered by one of the judges of the supreme or superior court of the State where the cause shall be tried, "*well and truly to hear and determine the matter in question, according to the best of his judgment, without favor, affection, or hope of reward:*" provided, also, that no State shall be deprived of territory for the benefit of the United States.

All controversies concerning the private right of soil, claimed under different grants of two or more States, whose jurisdictions, as they may respect such lands and the States which passed such grants, are adjusted, the said grants or either of them being at the same time claimed to have originated antecedent to such settlement of jurisdiction, shall, on the petition of either party to the Congress of the United States, be finally determined, as near as may be, in the same manner as is before prescribed for deciding disputes respecting territorial jurisdiction between different States.

The United States in Congress assembled shall also have the sole and exclusive right and power of regulating the alloy and value of coin struck by their own authority, or by that of the respective States; fixing the standard of weights and measures

throughout the United States ; regulating the trade and managing all affairs with the Indians, not members of any of the States ; provided that the legislative right of any State, within its own limits, be not infringed or violated ; establishing and regulating post-offices from one State to another, throughout all the United States, and exacting such postage on the papers passing through the same as may be requisite to defray the expenses of the said office ; appointing all officers of the land forces in the service of the United States, excepting regimental officers ; appointing all the officers of the naval forces, and commissioning all officers whatever in the service of the United States ; making rules for the government and regulation of the said land and naval forces, and directing their operations.

The United States in Congress assembled shall have authority to appoint a committee, to sit in the recess of Congress, to be denominated “ A Committee of the States,” and to consist of one delegate from each State, and to appoint such other committees and civil officers as may be necessary for managing the general affairs of the United States under their direction ; to appoint one of their number to preside, provided that no person be allowed to serve in the office of president more than one year in any term of three years ; to ascertain the necessary sums of money to be raised for the service of the United States, and to appropriate and apply the same for defraying the public expenses ; to borrow money or emit bills on the credit of the United States, transmitting every half-year to the respective States an account of the sums of money so borrowed or emitted ; to build and equip a navy ; to agree upon the number of land forces, and to make requisitions from each State for its quota, in proportion to the number of white inhabitants in such State, which requisition shall be binding ; and thereupon the legislature of each State shall

appoint the regimental officers, raise the men, and clothe, arm, and equip them in a soldier-like manner, at the expense of the United States; and the officers and men so clothed, armed, and equipped shall march to the place appointed, and within the time agreed on by the United States in Congress assembled; but if the United States in Congress assembled shall, on consideration of circumstances, judge proper that any State should not raise men, or should raise a smaller number than its quota, and that any other State should raise a greater number of men than the quota thereof, such extra number shall be raised, officered, clothed, armed, and equipped in the same manner as the quota of such State, unless the legislature of such State shall judge that such extra number cannot be safely spared out of the same, in which case they shall raise, officer, clothe, arm, and equip as many of such extra number as they judge can be safely spared, and the officers and men so clothed, armed, and equipped shall march to the place appointed, and within the time agreed on by the United States in Congress assembled.

The United States in Congress assembled shall never engage in a war, nor grant letters of marque and reprisal in time of peace, nor enter into any treaties or alliances, nor coin money, nor regulate the value thereof, nor ascertain the sums and expenses necessary for the defense and welfare of the United States, or any of them, nor emit bills, nor borrow money on the credit of the United States, nor appropriate money, nor agree upon the number of vessels of war to be built or purchased, or the number of land or sea forces to be raised, nor appoint a commander-in-chief of the army or navy, unless nine States assent to the same, nor shall a question on any other point, except for adjourning from day to day, be determined, unless by the votes of a majority of the United States in Congress assembled,



The Congress of the United States shall have power to adjourn to any time within the year, and to any place within the United States, so that no period of adjournment be for a longer duration than the space of six months, and shall publish the journal of their proceedings monthly, except such parts thereof relating to treaties, alliances, or military operations as in their judgment require secrecy; and the yeas and nays of the delegates of each State, on any question, shall be entered on the journal when it is desired by any delegate; and the delegates of a State, or any of them, at his or their request, shall be furnished with a transcript of the said journal except such parts as are above excepted, to lay before the legislatures of the several States.

ART. X.—The Committee of the States, or any nine of them, shall be authorized to execute, in the recess of Congress, such of the powers of Congress as the United States in Congress assembled, by the consent of nine States, shall, from time to time, think expedient to vest them with; provided that no power be delegated to the said Committee, for the exercise of which, by the Articles of Confederation, the voice of nine States in the Congress of the United States assembled is requisite.

ART. XI. — Canada, acceding to this Confederation, and joining in the measures of the United States, shall be admitted into, and entitled to all the advantages of this Union; but no other colony shall be admitted into the same, unless such admission be agreed to by nine States.

ART. XII.—All bills of credit emitted, moneys borrowed, and debts contracted by or under the authority of Congress, before the assembling of the United States, in pursuance of the present Confederation, shall be deemed and considered as a charge against the United States, for payment and satisfaction

whereof the said United States and the public faith are hereby solemnly pledged.

ART. XIII.—Every State shall abide by the determinations of the United States in Congress assembled, on all questions which by this Confederation are submitted to them. And the articles of this Confederation shall be inviolably observed by every State, and the Union shall be perpetual; nor shall any alteration at any time hereafter be made in any of them, unless such alteration be agreed to in a Congress of the United States, and be afterwards confirmed by the legislatures of every State.

AND WHEREAS, it hath pleased the great Governor of the world to incline the hearts of the legislatures we respectively represent in Congress to approve of, and to authorize us to ratify, the said Articles of Confederation and perpetual Union, know ye, that we, the undersigned delegates, by virtue of the power and authority to us given for that purpose, do, by these presents, in the name and in behalf of our respective constituents, fully and entirely ratify and confirm each and every of the said Articles of Confederation and perpetual Union, and all and singular the matters and things therein contained. And we do further solemnly plight and engage the faith of our respective constituents, that they shall abide by the determinations of the United States in Congress assembled, on all questions which by the said Confederation are submitted to them; and that the articles thereof shall be inviolably observed by the States we respectively represent, and that the Union shall be perpetual.

In witness whereof we have hereunto set our hands in Congress. Done at Philadelphia, in the State of Pennsylvania, the ninth day of July, in the year of our Lord one thousand

seven hundred and seventy-eight, and in the third year of the independence of America.

*On the part and behalf of the State of New Hampshire.*

JOSIAH BARTLETT,

JOHN WENTWORTH, JR.

August 8, 1778.

*On the part and behalf of the State of Massachusetts Bay.*

JOHN HANCOCK,

FRANCIS DANA,

SAMUEL ADAMS,

JAMES LOVELL,

ELBRIDGE GERRY,

SAMUEL HOLTEN.

*On the part and behalf of the State of Rhode Island and Providence Plantations.*

WILLIAM ELLERY,

JOHN COLLINS.

HENRY MARCHANT,

.

*On the part and behalf of the State of Connecticut.*

ROGER SHERMAN,

TITUS HOSMER,

SAMUEL HUNTINGTON,

ANDREW ADAMS.

OLIVER WOLCOTT,

*On the part and behalf of the State of New York.*

JAMES DUANE,

WILLIAM DUER,

FRANCIS LEWIS,

GOUVERNEUR MORRIS.

*On the part and in behalf of the State of New Jersey,*

*Novr. 26, 1778.*

JOHN WITHERSPOON,

NATHANIEL SCUDDER.

*On the part and behalf of the State of Pennsylvania.*

ROBERT MORRIS,

WILLIAM CLINGAN,

DANIEL ROBERDEAU,

JOSEPH REED,

JONATHAN BAYARD SMITH,

22d July, 1778.

CIVICS FOR ELEMENTARY SCHOOLS

*On the part and behalf of the State of Delaware.*

THOMAS M'KEAN,  
Feby. 12, 1779.

JOHN DICKINSON,  
May 5, 1779,  
NICHOLAS VANDYKE.

*On the part and behalf of the State of Maryland.*

JOHN HANSON,  
March 1, 1781,

DANIEL CARROLL  
March 1, 1781.

*On the part and behalf of the State of Virginia.*

RICHARD HENRY LEE,  
JOHN BANISTER,  
THOMAS ADAMS,

JOHN HARVIE,  
FRANCIS LIGHTFOOT LEE.

*On the part and behalf of the State of North Carolina.*

JOHN PENN,  
July 21, 1778.

CORNELIUS HARTNETT.  
JOHN WILLIAMS.

*On the part and behalf of the State of South Carolina.*

HENRY LAURENS,  
WILLIAM HENRY DRAYTON,  
JOHN MATHEWS,

RICHARD HUTSON,  
THOMAS HAYWARD, JR.

*On the part and behalf of the State of Georgia.*

JOHN WALTON,  
24th July, 1778.

EDWARD TELFAIR,  
EDWARD LANGWORTHY.



## NATURALIZATION

All matters concerning the naturalization of aliens were placed in charge of the Department of Commerce and Labor by a law passed by Congress and approved June 29, 1906. Later, when Commerce and Labor became two distinct departments, the Secretary of Labor was given charge of Naturalization.

The jurisdiction for the naturalization of aliens is given to United States circuit and district courts, the Supreme Court of the District of Columbia; also to all state and territorial courts of record having a seal, a clerk, and jurisdiction in actions in which the amount in controversy is unlimited. The alien must reside in the judicial district in which he makes the application.

No alien can become a citizen until he has resided at least five years in the United States. Two years, at least, prior to his admission he may file with the court a declaration that he intends to become a citizen of the United States. In this declaration he renounces all allegiance to any foreign state and declares that he is not an anarchist nor a believer in polygamy.

Not less than two years, nor more than seven, after filing the declaration, he may file a petition to become a citizen. In this petition he renounces all allegiance to any foreign power, declares his intention to reside in the United States and his attachment to the Constitution, and states that he can speak the English language, is not a disbeliever in organized government, and does not believe in nor practice polygamy. Both the declaration and the petition are sworn to by the applicant.

If the applicant has borne any hereditary title, this must be renounced in the application.

Filed with the petition is the affidavit of two reputable witnesses, citizens of the United States, testifying as to the time of residence and moral character of the applicant.

The total cost to the applicant in fees paid to the court is five dollars.

Blank petitions are furnished by the Department of Commerce and Labor to the courts. On the approval of the petition a certificate of citizenship is issued. To forge or counterfeit this certificate is a felony.

If the alien so naturalized, within five years after the issuance of his certificate shall go to any foreign country and take permanent residence therein, the certificate of naturalization may be cancelled, and the holder thereof will become an alien again.

FOR USE OF ALIENS WHO ARRIVED BEFORE JUNE 29, 1906

## FACTS FOR PETITION FOR NATURALIZATION

Department of Labor

NATURALIZATION SERVICE

Washington

NOTE TO CLERK OF COURT. — On and after June 29, 1911, clerks of courts should refuse to execute petitions for aliens who have arrived in the United States after June 29, 1906, until the certificate of arrival is furnished the clerk after request of the alien on Form 2226.

NOTE. — A copy of this form (Form 2214) should be furnished by the clerk of the court to each applicant for a petition for naturalization who arrived in this country on or before June 29, 1906, so that he can at his leisure fill in the answers to the questions. After being filled out the form is to be returned to the clerk, to be used by him in properly filling out the petition. Witnesses must be citizens of the United States. If any witness is a naturalized citizen he must bring his certificate of citizenship to the court when the petition is filed.

TO THE APPLICANT. — The fee of four dollars must be paid to the clerk of the court before he commences to fill out the petition for naturalization. No fee is chargeable for this blank.

.....  
(Give here name used in Declaration of Intention and do not abbreviate any part of name by initial or otherwise.)

1. *My place of residence is:* .....,  
(Number and name of street.)

.....  
(City or town.) (State, Territory, or District.)

2. *My occupation is:* .....

3. *I was born on the* ..... *day of* ....., 18 .....,  
*at* ....., *and my last foreign*  
(City or town.) (Country.)  
*residence was* .....,  
(City or town.) (Country.)

(If the alien arrived otherwise than by vessel, the character of conveyance or name of transportation company should be given.)

(Petitioner, if a widower, should give the name of his wife when living, and state place of her birth; if not married, he should enter "not" in first sentence. In both cases surplus words should be struck through.)

*I have . . . . . child . . . . ., whose name . . . . ., date . . . . . and place . . . . . of birth, and place . . . . . of residence are as follows:*

[illegible]

7. *I am not a disbeliever in or opposed to organized government or a member of or affiliated with any organization or body of persons teaching disbelief in organized government. I am not a polygamist nor a believer in the practice of polygamy. I am attached to the principles of the Constitution of the United States, and it is my intention to become a citizen of the United States and to renounce absolutely and forever all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, and particularly to . . . . .*

*. . . . ., . . . . ., of whom at this time*  
(Name.) (Title and country.)



*I am a <sup>citizen,</sup><sub>subject,</sub> and it is my intention to reside permanently in the United States.*

8. *I am ..... able to speak the English language.*

9. *I have resided continuously in the United States since the ..... day of ....., 1....., and in the <sup>State</sup><sub>Territory</sub> District of ..... since the ..... day of ....., 1.....,*

10. *I have ..... heretofore made petition for United States citizenship.*

If petitioner has heretofore made application for citizenship, the facts required should be fully stated in the following blanks:

*I petition for citizenship to the ..... Court at ..... (City or town.) ..... (State, Territory, or District.) on the ..... day of ....., 1....., which was denied for the following reasons: .....*

*The cause of such denial has since been cured or removed.*

Give names, occupations, and residence addresses of two witnesses, citizens of the United States, who have known you for at least five years, last past, as a resident of the State in which petition is made, who will make affidavit that you are a person of good moral character, that you are qualified in every way to be admitted a citizen of the United States, and who will be present at hearing. If you have been a resident of the State wherein you apply for citizenship for over one year, and elsewhere in the United States sufficiently long to complete a continuous residence therein of five years, you may establish your entire residence within the State by two witnesses, citizens of the United States, and your residence elsewhere in the United States by depositions of two witnesses, as provided in Section 10 of the Naturalization Act of June 29, 1906. The witnesses named by you to establish your residence within the State must appear with you on the day you petition to the clerk of court and be sworn as witnesses at the time.

....., .....  
(Name.) (Occupation.) (Residence address.)

....., .....  
(Name.) (Occupation.) (Residence address.)

Name of witnesses who will be substituted by me if those appearing with me at the time of filing my petition for naturalization are unable to appear at the time of the hearing.

.....  
 (Name.) (Occupation.) (Residence address.)

.....  
 (Name.) (Occupation.) (Residence address.)

*I herewith present my Declaration of Intention to become a Citizen of the United States.*

## FACTS FOR DECLARATION OF INTENTION

### Department of Labor

#### NATURALIZATION SERVICE

NOTE. — A copy of this form should be furnished by the clerk of the court to each applicant for a declaration of intention, so that he can at his leisure fill in the answers to the questions. After being filled out the form is to be returned to the clerk, to be used by him in properly filling out the declaration. If the applicant landed on or after June 29, 1906, his declaration should not be filed until the name of the vessel is definitely given (or the name of the railroad and border port in the United States through which the alien entered), as well as the date of arrival.

TO THE APPLICANT. — The fee of one dollar must be paid to the clerk of the court before he commences to fill out the declaration of intention. No fee is chargeable for this blank.

Name: ..... Age: ..... years.  
 (Do not abbreviate any part of name by initial or otherwise.) (Give age at last birthday.)

Occupation: .....

Color: ..... Complexion: .....

Height: ..... feet ..... inches. Weight: ..... pounds.

Color of hair: ..... Color of eyes: .....

Other visible distinctive marks: .....  
 (If no visible distinctive marks so state.)

Where born: .....  
 (City or town.) (Country.)

*I am now a citizen of and intend to renounce allegiance to the Republic of .....*

.....

## GLOSSARY

**ADMIRALTY.** That branch of law which deals with maritime cases and offences. (Admiralty Court.)

**AFFIDAVIT.** A written declaration upon oath; a statement of facts in writing signed by the person making the affidavit, and sworn to or confirmed by a declaration before an authorized officer, such, for instance, as a notary public or a commissioner of deeds.

**ALIEN.** A foreigner; one born in or belonging to another country who has not acquired citizenship by naturalization.

**AMBASSADOR.** A diplomatic agent of the highest rank, employed to represent officially one prince or state at the court or to the government of another.

**ARREST OF JUDGMENT.** The staying or stopping of a judgment after verdict, for causes assigned. Courts have at common law power to arrest judgment for intrinsic causes appearing upon the face of the record, as when the declaration varies from the original writ, when the verdict differs materially from the pleading, or when the case laid in the declaration is not sufficient to found an action upon.

**ARTICLES OF CONFEDERATION.** The compact or constitution adopted by the Continental Congress in 1777, and ratified by the separate colonies within the four years next succeeding. On March 4, 1789, it expired by limitation under the provisions of the present Constitution.

**ATTAINDER, BILL OF.** A bill passed by Parliament for the attain of any person. By this process condemnation to death could be secured in a brief manner and without the production of evidence.

**BANKRUPTCY LAW.** The United States bankruptcy law now in force went into effect July 1, 1898.



**BILL OF CREDIT.** Paper issued by the authority and on the faith of a nation to be circulated as money. The Constitution provides (Article I., Section 10) that no State shall emit bills of credit, or make anything but gold and silver coin a tender in payment of debts.

**CAVEAT.** According to United States patent laws, a caveat is a description of some invention, designed to be patented, lodged in the patent office before the patent is applied for. This operates as a bar to the issue of letters patent to any other person respecting the same invention. A caveat is good for one year, but may be renewed.

**CHARTER.** In colonial days the crown granted certain rights and privileges to an individual or a group of colonists. As this was written it was called a charter, from the Latin *chartula*, meaning a little writing. In American law a charter is a written instrument from the sovereign power to a municipality or other corporation conferring certain rights and privileges. For instance, the city of New York has a charter from the State government at Albany; Chicago, one from her State government at Springfield, and San Francisco, one from Sacramento. The State also grants charters to insurance companies, railroad, bank, dry goods and other corporations.

**COPYRIGHT.** Corresponds to the patent of an invention, and is a right given by law to the writer of a book, play, or musical composition, or to the originator of maps, charts, or engravings, or to his assignee. In the United States the term is twenty-eight years, with the privilege of renewal for twenty-eight years.

**COMMISSION.** A written certificate signed by the executive or other proper official, appointing some person to office or conferring an authority to the holder thereof.

**COMMISSION, GOVERNMENT BY.** See Galveston.

**CONSUL.** A commercial agent of the government, appointed by the President and confirmed by the Senate, residing in a foreign country to look after the commercial rights and privileges of this country and its individual citizens resident in the same country with him.

**CONTINENTAL CONGRESS.** The term "continental" was used in contradistinction to "provincial," the former indicating the general assembly in which all the States of the Union were represented by delegates during the Revolution, the latter referring to the legislative body of a state, colony, or province.

**EMBARGO.** An order of the government prohibiting the sailing of ships of commerce from any or all of its ports.

**EXEQUATOR.** A written official recognition of a consul or commercial agent issued by the government to which he is accredited and authorizing him to exercise his powers.

**GALVESTON PLAN OF GOVERNMENT.** Municipal government by commission, adopted in Galveston in 1901. The commission consists at this time of four commissioners elected by all the people of the city. Each member acts as the head of a department, the president acting as the head of the police and fire departments, the other departments being assigned to the other commissioners by vote of the majority of the board. The plan is being tried in Houston, Fort Worth, Dallas, El Paso, and Austin, Texas; in Kansas and South Dakota, and Des Moines, and Cedar Rapids, Iowa.

**GERRYMANDER.** So called from Elbridge Gerry, Governor of Massachusetts in 1812. For purposes of election a State is divided into districts corresponding to the number of representatives the State is entitled to send to Congress. These districts are sometimes made out by the legislature so as to secure the greatest number of them to the party which lays out the districts. In 1812 the Massachusetts Legislature, having a Federalist minority, redistributed the districts, so that a district in Essex County resembled a dragon in shape. Gilbert Stuart, the painter, seeing a map of this district and noting its contour, added a head, wings, and claws, saying, "That will do for a salamander." "Better say a Gerrymander!" retorted a Federalist standing near.

**INITIATIVE.** The right by which a certain number of voters may petition the law-making body for a law. Under the initiative the law-making

body must thereupon frame and pass the desired law. The initiative and referendum are borrowed from Switzerland. Both are incorporated in the Constitution of South Dakota.

**INJUNCTION IN LAW.** A judicial process or order requiring the person to whom it is directed to do or refrain from doing a particular thing.

**INTERNEED.** Confined within fixed or prescribed limits; compelled to remain in a locality without permission to leave it.

*Ipsa Facto.* By the fact itself.

**JURISPRUDENCE.** The science of law.

**LEGAL TENDER.** Currency which can lawfully be used in paying a debt.

**MAGNA CHARTA.** The great charter of the liberties of England, signed and sealed by King John of Lackland, in a conference between him and his barons at Runnymede on the Thames, June 15, 1215. Its most important articles are those which provide that no freeman shall be taken, or imprisoned, or proceeded against, except by the lawful judgment of his peers or in accordance with the laws of the land, and that no scrutage or aid shall be imposed on the kingdom (except certain feudal dues from tenants of the crown) unless by the common council of the kingdom. The remaining and greater part of the charter is directed against abuses of the king's power as feudal superior. Some of its provisions constitute the Bill of Rights set forth in our federal and state constitutions.

*Mandamus* (we command). A writ issuing from the superior court, directed to an inferior court, an officer, a corporation, or other body, requiring the person or persons addressed to do some act therein specified, as being within their office and duty, as to admit or restore a person to an office or franchise, or to deliver papers, affix a seal to a paper, etc.

**ORDINANCE OF 1787.** Adopted by the Continental Congress, then in session in New York City, July 13, 1787, the full title of the act being:

"An ordinance for the government of the territory of the United States northwest of the Ohio River." The territory included the present States of Ohio, Indiana, Illinois, Michigan, and Wisconsin. The ordinance prohibited slavery, provided for the eventual admission of portions of the territory as States of the Union and established a territorial government, which has ever since been used as a model in the organization of new territories.

PARLIAMENT, ENGLISH. Composed of House of Lords and House of Commons. The House of Lords consists of 4 princes of the blood, 2 archbishops, 24 bishops, 516 English Peers, 16 Scotch Representative Peers, and 28 Irish Representative Peers. Total, 590. Composition of the House of Commons: England has 465 seats; Wales, 30 seats; Scotland, 72 seats; Ireland, 103 seats. Total, 670 members.

PLAINTIFF. The person who brings a suit before a tribunal for the recovery of a claim; opposed to defendant.

PLURALITY OF VOTES. The number by which the votes cast for the candidate who receives the greatest number exceed the votes cast for the candidate who receives the next greatest number, when there are more than two candidates and no one candidate receives a majority of votes

*Posse Comitatus.* The power of the county. The body of men which the sheriff is empowered to call into service to aid him in the execution of the law, as in case of rescue, riot, etc. It includes all male persons above the age of fifteen.

*Prima Facie.* At first appearance.

PRIMARY. An assembly of a section of a political party, generally for the purpose of naming delegates to a convention, or nominating candidates to be voted for at the regular elections. In some states a primary is called a caucus. In New York State there is a Primary Law providing that some cities and towns must, and many others may, permit those voters who wish, to enroll as members of one political party, and only voters so enrolled may take part in primaries held during the ensuing year by such political party.



**PRIMOGENITURE.** Norman law of descent to the eldest son. The principle by which the oldest son of a family succeeds to the father's real estate in preference to, and to the absolute exclusion of, the younger sons and daughters.

**PROVINCIAL CONGRESS.** In 1774 the English Parliament appointed General Gage military governor of Massachusetts. The colonists ignored Gage, and the townships elected delegates to meet in a Provincial Congress. The president of the Congress was the chief executive officer of the commonwealth, and there was a small executive council known as, "The Committee of Safety."

**QUORUM.** The number of members of any constituted body of persons whose presence at or participation in a meeting is required to render its proceedings valid, or to enable it to transact business legally.

**RECALL, THE.** When this provision is inserted in a city charter, it gives the voters the privilege of calling an election to oust an official from office. In Los Angeles, where the recall obtains, the election is called after 25 *per cent* of the voters have petitioned the Council for it. Mayor Harper of this city (1909) was the first official to face the recall. When the excitement over the recall election was at its height, Mayor Harper withdrew his name from the ballot and resigned his office. Des Moines, Iowa, and Berkeley, California, have the power of recall, and it is proposed in the new charter for Chicago.

**RECORDS OF A COURT.** The formal, written reports of the proceedings of the Court drawn up by the regular officers of the same.

**REFERENDUM.** The right to approve or reject by popular vote a measure passed upon by a legislature.

**REPRESENTATIVE GOVERNMENT.** A government conducted by persons chosen by the people governed.

**SOLVENT.** Able to pay all just debts.

**STATUTE.** An ordinance or law; specifically, a law promulgated in writing by a legislative body; an enactment by a legislature.

STATUTE OF LIMITATIONS. A law which limits the time within which an action may be brought.

TORT. A wrong, such as the law requires compensation for in damages.

*Viva Voce.* Orally.

WARRANT. In law a written authorization by a magistrate to an officer to make an arrest, a seizure, or a search, or do other acts incidental to the administration of justice.



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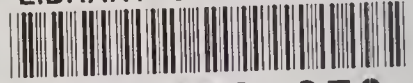


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